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R-1

R-1

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Legislative Assembly of Ontario

Third Session, 35th Parliament

Assemblée législative de l'Ontario

Troisième session, 35^e législature

Official Report of Debates (Hansard)

Monday 26 April 1993

Journal des débats (Hansard)

Lundi 26 avril 1993

**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

Organization

Organisation



Chair:
Clerk: Tannis Manikel

Président :
Greffière : Tannis Manikel



Table of Contents

Table of Contents for proceedings reported in this issue appears on the outside back cover, together with a list of committee members and others taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

R-1

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 26 April 1993

The committee met at 1529 in committee room 1.

ELECTION OF CHAIR

Mr David Turnbull (York Mills): I nominate Peter Kormos.

Clerk of the Committee (Ms Tannis Manikel): Mr Kormos has been nominated. Are there any further nominations for Chair of the committee?

Mr Tony Martin (Sault Ste Marie): I nominate Bob Huget.

Clerk of the Committee: Okay. Mr Huget.

Mr Steven Offer (Mississauga North): In absentia?

Mr Chris Stockwell (Etobicoke West): Where is he? You can't nominate a person who's not here.

Clerk of the Committee: Are there any further nominations?

Mr Turnbull: No? Okay, that's it. Okay, let's have a vote.

Clerk of the Committee: Hearing none, I declare the nominations closed. All those in favour of Mr Kormos—

Mr Mike Cooper (Kitchener-Wilmot): Can we go for a recess?

Clerk of the Committee: A 20-minute recess?

Mr Stockwell: Hold it.

Mr Offer: There's no 20-minute recess.

Interjection: Let's call the division.

Clerk of the Committee: Yes, but a member can request a 20-minute recess.

Mr Sean G. Conway (Renfrew North): Just on a point of order: According to the Hansard of April 13, 1993, the member for Sarnia, Mr Huget, who now stands nominated by the government to be the Chairman of a committee which in part is going to concern itself with the Ministry of Energy, is the parliamentary assistant to the Minister of Environment and Energy. Clearly there's a conflict.

Clerk of the Committee: Excuse me. Before you go any further, as clerk of the committee I can't entertain any points of order.

Mr Conway: I just make the point to my colleagues in the committee that there's a clear conflict here, because we have a nomination from the government to put in the Chair of this committee the parliamentary assistant to the Minister of Environment and Energy, two departmental responsibilities that are clearly going to come before this committee for discussion and debate. I'm sure that motion is out of order. I don't think it's possible.

Clerk of the Committee: I did indicate that I could not take any points of order and I'm just here to preside over the nomination and the election of the Chair.

Mr Cooper: Could we recess?

Clerk of the Committee: It's my understanding that a member can request a 20-minute recess before the vote is taken.

Mr Turnbull: No.

Interjection: It's not a vote.

Mr Stockwell: Yes, it's an election.

Mr Cooper: It's a vote.

Mr Stockwell: You can't adjourn.

Mr Cooper: On a vote.

Clerk of the Committee: Sorry. The standing orders just say that before a vote is taken a member may ask for a 20-minute recess.

Mr Stockwell: Right, but when you're in the middle of a vote, which you were in—

Interjection: No, we're not.

Mr Stockwell: You were just about to call for those in favour. It is not before a vote; you're in the midst of a vote.

Interjection: No way.

Mr Stockwell: Of course you are.

Clerk of the Committee: We hadn't actually started the vote before the request for the 20-minute recess.

Mr Turnbull: You've already started the vote.

Mr Stockwell: Well, I think we should get Instant Hansard just to see whether or not in fact you called for a vote at that time.

Mr Peter Kormos (Welland-Thorold): If I may, I do want to indicate that I accept the nomination.

Mr Conway: I want to say to my friends in the government as they contemplate this that it's perfectly in order for the government, it seems to me, to nominate whomsoever it wishes, within this limit: The member for Sarnia is someone whom I know and quite like and quite respect, but surely the government members understand that it is inappropriate, and I believe wrong, to have in one and the same person the Chair of this resources committee and the parliamentary assistant to the Minister of Environment and Energy. That is a conflict of interest that is so clear that it—

Clerk of the Committee: I just remind members that we are trying to nominate and elect the Chair of the committee at this point. There's been a request for a 20-minute recess. Do you still want that 20-minute

recess?

Mr Cooper: Yes.

Clerk of the Committee: Okay, we'll recess for 20 minutes.

The committee recessed at 1532 and resumed at 1547.

Clerk of the Committee: If everyone's here, we can proceed with the vote.

Mr Offer: Madam Clerk, prior to the taking of the vote, could you please indicate who is eligible to vote on this matter for the resources committee? Give the names of the members, please.

Clerk of the Committee: The names of the members are—I'll do this alphabetically from my list—Mr Conway, Mr Cooper, Mrs Fawcett, Mr Huget, Mr Jordan, Mr Klopp, Mr Offer, Mr Turnbull and Mr Wood. I have substitutions: Mr Wilson for Mr Kormos, Mr Martin for Ms Murdock and Mr Johnson for Mr Waters.

Mr Offer: Madam Clerk, on that matter of the three substitutions, two of the individuals who are being substituted are not here. One of the other individuals happens to be here. I note in the rules of order, "The Clerk of the House shall post in the Legislative Building a list of members serving on each standing and select committee." As I was walking by the media room, the list fell down and I happen to have it with me. It has Mr Kormos as well as the others you have mentioned.

It says that the assembly is supreme in these matters. On 20 April of this year a motion was passed which indicated who was going to be on this resources committee. It did not indicate the Chair at this time, but it did indicate the name of Mr Kormos. Mr Kormos is in this room right now, and I would expect that Mr Kormos is prepared to vote on the matter before this committee.

It would seem that, keeping in mind the rules of committee, the way in which the Legislative Assembly has always been supreme in the matters which govern committees, that it says that the list shall be posted, that I have before myself the list as posted, that it does have Mr Kormos's name, I think Mr Kormos should be allowed to vote.

Clerk of the Committee: The practice has been that the substitution slips that are legitimately made under the standing orders take precedence over the member of the committee.

Mr Conway: But I don't ever recall a situation where an honourable member who is designated by a motion of the House to be a member of the committee—there's no precedent in my mind and in my memory of a situation where somebody who has been properly designated by an order of the House to be a member of a committee comes to the committee, is freely willing to participate in the committee affairs, only to find out upon his or her arrival that he's being

substituted for. Standing order 110(c) is very clear as to what the substitution rule intends.

Clerk of the Committee: Mr Conway, I'm going to interrupt you here. We really can't get into points of order. I'm just here to preside over the election of the Chair and we are at the start of the vote here.

Mr Kormos: No, Madam Clerk, please. Seeing as how I've become the subject of some contention, I think it's important that I state in what capacity I am here. In the event that the clerk had been misled, in the event that there is indeed less than an aboveboard substitute slip before the clerk, the clerk then has an important determination to make.

One, I tell you, Madam Clerk, that I was in the Legislative Assembly on Tuesday, April 20, 1993, when the government motion appointing members to the various committees was presented by the government House leader and was passed by the Legislature. I was the member contained in the government motion to participate in this committee.

Secondly, Madam Clerk, I never sought to be substituted for, and indeed I was here prior to 3:30, prior to the commencement of the proceedings.

Thirdly, Madam Clerk, you will recall that I was nominated by a member of this committee and indeed I indicated on record, simply so that the record could establish that I in fact was here, that I accepted the nomination. I did not hear at any point in time any objection from anybody about my capacity to accept that nomination or indeed to be nominated.

I understand what the practice may well be, but consider this, please, Madam Clerk. We have—

Clerk of the Committee: I'd just remind you I cannot make a ruling. I'm only here to preside over the election of the Chair and I really think we should get on to that point.

Mr Kormos: Of course you are, Madam Clerk, but I think it's important that if there is an irregularity as to who is here, I say to you, Madam Clerk, that is tantamount to, in the course of an election campaign, fraudulently putting people on a voters' list.

I tell you, Madam Clerk, I challenge the person who purports to be here on my behalf. I challenge and tell you that a substitution of that person for me is not only improper but it is fraudulent. It is an exercise not only in pettifoggery, but it is an exercise in an abuse, an attack, on the most basic rules of the House.

I say that to you, Madam Clerk, not to put you in that very difficult position. I don't ask you to make a ruling but I do ask you to consider what in fact the standing orders are. That doesn't constitute making or addressing a point of order, Madam Clerk. It's important, I think, that we clear the air as to in fact what the standing orders really say. I understand what you are saying, Madam Clerk, when you say what you have, but I tell

you there is no precedent in this House or in the committee practice that would dictate that and indeed, Madam Clerk, precise and accurate reading of the standing orders would indicate clearly that standing order 110(c) talks about "temporary substitute," in contrast to the capacity of the government House leader under subsection (b) of standing order 110 to discharge a member from a committee.

The Legislative Assembly and the government House leader had three days in which to move that motion removing me. The motion placing me here having been passed on Tuesday, the government House leader had three days in which to remove me as a member of this committee by virtue of a motion in the House. The government House leader, as you well know, did not present a motion in that regard.

Now, I go one further, Madam Clerk, and I tell you there is something particularly repugnant happening here today because on Tuesday, after the House passed the motion appointing me to this committee, the whip of the government, Fred Wilson, advised me that I would not be Chair of this committee. That struck me as bizarre, Madam Clerk, because as you well know, chairs of committees are elected. I, for the life of me, cannot understand how a whip could predict the outcome of what should be a free and democratic election.

Mr Stockwell: A clairvoyant maybe?

Mr Kormos: It suggests to me, Madam Clerk—

Clerk of the Committee: I cannot take points of—

Mr Kormos: I had the floor, please, Madam Clerk. It suggests to me that the fix is in, that the jury's rigged. You will recall, of course, soon after this government was elected, when the Premier apologized to the public and to the House for the perception that he, the Premier, had attempted to influence the outcome of an election for Speaker.

I tell you it is insidious that a whip who would tell me on Tuesday afternoon, after the motion appointing me to this committee, that I will not be Chair, if that same whip would be construed as having the capacity to, ad hoc and by fiat, replace me on this committee and eliminate the power and authority that I had by virtue of the decision of the House, a motion passed last Tuesday. Surely that is the ultimate decision-maker.

We are not talking about a scenario wherein the House isn't sitting and access can't be had to a government motion pursuant to standing order 110, subsection (b). We are not talking about a circumstance where I am absent. We're not talking about a circumstance where I have indicated to the whip that I would be unavailable and that I would seek the courtesy of a substitute. As well, we are clearly talking about a circumstance—

Clerk of the Committee: Mr Kormos, at this point I think we should go on with the vote.

Mr Kormos: We are clearly talking about a circumstance wherein—

Clerk of the Committee: The nomination is that you be elected Chair of the committee, and that's what—

Mr Conway: I want to add to the issue I raised earlier. I think that there is something illegitimate in the government—

Mr Paul Klopp (Huron): There is not.

Mr Conway: Hear me out. I think it is an illegitimate proposition for the government to nominate a member of the executive branch to serve as a Chairman of this committee. I think that is certainly inappropriate. It does not conform with the practices of this Legislature in the modern period.

I think there is, furthermore, a very real issue for all members of the Legislature, because what the previous speaker, the member for Welland-Thorold, has just said very clearly is that he is willing to discharge his duties as a member of this committee. He was appointed by government motion, concurred in by the House, just a week ago. He has been a member of this committee. He was previously Chair of this committee. He arrives here today to carry out the obligations that the House imposed upon him with the order of April 20 and now he is being substituted for in a way that is, I think, irregular and quite inappropriate. When one looks at standing order 110, it is very clear what the rules of substitution are.

I would recommend that since we have a couple of very central points, this committee recess until we can get some further direction from the Clerk of the House. Quite frankly, I think the respective caucuses should retire and talk this over, because this is really a serious matter and one that we ought to think about before we proceed further.

I take very seriously what Mr Kormos has said and, furthermore, I think it is completely inappropriate that a parliamentary assistant for a set of ministries that are going to come before this very committee for important matters should be even a candidate for the chairmanship. I said earlier I think the member for Sarnia is a very fine fellow, but he will be, should he take on the position as Chair of this committee, in a clear conflict of interest. The government members and the government clearly understand that.

But I would recommend to the committee, since these shenanigans has put our clerk in a very, very difficult position, I think we should retire and get some direction from the clerk.

Clerk of the Committee: Mr Conway, as I stated before, we cannot proceed with any points of order at this time.

Mr Stockwell: But, Madam Clerk, I would like to say just one point.

Clerk of the Committee: We are in the middle of a vote.

Mr Stockwell: No, Madam Clerk, we were not in the middle of a vote.

Clerk of the Committee: Mr Kormos has been nominated.

Mr Stockwell: Madam Clerk, we weren't in the middle of a vote 20 minutes ago when you adjourned this meeting for 20 minutes.

Clerk of the Committee: We did not adjourn the committee; we recessed.

Mr Stockwell: We recessed it for 20 minutes. Now we appear to be in the middle of a vote. If we're in the middle of a vote now, we should never have taken the 20-minute recess.

The point that I would like to make, Madam Clerk, is that the difficulty we have here is that there is no place this committee can appeal any ruling because there is no Chair. It is leaving you in an untenable position to try to deal with the legal wranglings of this committee. Madam Clerk, there are some very real concerns here, itemized by Mr Kormos himself, itemized by the member for Renfrew North, and it's important that you ensure that democracy is upheld, that the legalities of this situation are maintained.

Now if this committee at this time does not have a Chair—and there is no Chair—there is no place that anyone may appeal a ruling of this committee prior to a Chair being appointed. It seems that it is incumbent on you as the clerk to recess this and get directions or get the ruling from the Speaker of the House, because these particular concerns raised by the opposition members and one member of the government have made it very clear that the rules are being breached, in our opinion, by the government and the government members.

Until we can receive a ruling from a body, be it the Chair or be it the Speaker himself, we insist an adjournment take place and for you to retrace your steps and get a ruling from the Speaker or whomever it may be that you seek your ruling from, because clearly we

believe that the privileges of a standing member of this committee are being severely impinged upon by this government. I ask you to go and seek advice on exactly how we should rule previous to having a Chair before this committee.

Clerk of the Committee: I remind all members that as clerk of the committee I can only preside over the election of the Chair. I cannot take any points of order or any motion. I'm going to put the question. Mr Kormos has been—

Mr Offer: There is no point of order before yourself, Madam Clerk. There is no point of order. What we are asking for is that, after hearing from the member the subject matter of this matter, it is clear that we are talking about an issue which affects all members. There is an overt action by the government to censure a member outside of the Legislative Assembly. That is something which affects every member in this Legislature and every member who will ever be a member of this Legislature.

When there is an issue of censure, we believe it is only a matter which can take place, if at all, through the Legislative Assembly. It cannot take place through a committee, and that is what is happening here.

Clerk of the Committee: It does not appear we can get to a vote, so I am going to have to disperse the committee this time and we can try to meet again at another time.

Mr Offer: And we should go to the Clerk.

Mr Turnbull: Madam Chair, I would move a 20-minute recess.

Clerk of the Committee: No, the committee's dispersed.

Mr Turnbull: Madam Chair, you gave it before when we said it was not appropriate.

Mr Conway: I think this whole business has put the clerk in an untenable position and I'm happy to be—

Mr Stockwell: Shenanigans have forced this.

The committee adjourned at 1602.

CONTENTS

Monday 26 April 1993

Election of Chair R-1

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair / Président:

Vice-Chair / Vice-Président:

*Conway, Sean G. (Renfrew North/-Nord L)

*Cooper, Mike (Kitchener-Wilmot ND)

*Fawcett, Joan M. (Northumberland L)

*Huget, Bob (Sarnia ND)

*Jordan, Leo (Lanark-Renfrew PC)

*Klopp, Paul (Huron ND)

Kormos, Peter (Welland-Thorold ND)

Murdock, Sharon (Sudbury ND)

*Offer, Steven (Mississauga North/-Nord L)

*Turnbull, David (York Mills PC)

Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)

*Wood, Len (Cochrane North/-Nord ND)

*In attendance / présents

Substitutions present / Membres remplaçants présents:

Johnson, Paul R. (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud ND) for Mr Waters

Martin, Tony (Sault Ste Marie ND) for Mr Waters

Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND) for Mr Kormos

Also taking part / Autres participants et participantes:

Bradley, James J. (St Catharines L)

Harnick, Charles (Willowdale PC)

Kormos, Peter (Welland-Thorold ND)

Stockwell, Chris (Etobicoke West/-Ouest PC)

Tilson, David (Dufferin-Peel PC)

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Luski, Lorraine, research officer, Legislative Research Service



R-2

R-2

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Journal des débats (Hansard)

Lundi 3 mai 1993

Standing committee on resources development

Organization

Comité permanent du développement des ressources

Organisation

Chair: Bob Huget
Clerk: Tannis Manikel

Président : Bob Huget
Greffière : Tannis Manikel



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LEGISLATIVE ASSEMBLY OF ONTARIO

R-5

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 3 May 1993

The committee met at 1548 in committee room 1.

ELECTION OF CHAIR

Clerk of the Committee (Ms Tannis Manikel): If we're ready to start, we'll go ahead. Honourable members, it's my duty to call upon you to elect a Chair. Are there any nominees?

Mr Mike Cooper (Kitchener-Wilmot): I'd like to nominate Bob Huget.

Clerk of the Committee: Mr Cooper has nominated Mr Huget. Are there any further?

Mr David Turnbull (York Mills): I certainly would have and did nominate somebody, but we know that this is not a democratic process, so I will not be participating in this vote.

Clerk of the Committee: Are there any further nominations? There being no further nominations, I declare the nominations closed and Mr Huget elected Chair.

ELECTION OF VICE-CHAIR

The Chair (Mr Bob Huget): Are there any nominations for the position of Vice-Chair?

Mr Len Wood (Cochrane North): I'd like to nominate Mike Cooper as Vice-Chair.

The Chair: Mr Cooper is nominated. Any other nominations? No further nominations. I declare Mr Cooper Vice-Chair.

I wish to make a very brief comment before we continue on with business. I know that during the last time this committee was in session there was some discussion as to whether or not I could conduct my

duties without conflict of interest. As most of you know, I have chaired this committee in the past and have acted as Vice-Chair of this committee as well and have always done so in an impartial fashion. Should there be any business that comes before this committee that would create the perception of unfairness or create the perception of conflict, I will most certainly step aside and allow the Vice-Chair to do my duties.

Mr Cooper, you have a motion?

APPOINTMENT OF SUBCOMMITTEE

Mr Cooper: Yes. I move that a subcommittee on committee business be appointed to meet from time to time, at the call of the Chair or at the request of any member thereof, to consider a report to the committee on the business of the committee; that substitution be permitted on the subcommittee; that the presence of all members of the subcommittee is necessary to constitute a meeting; and that the subcommittee be composed of the following members: Mr Huget, the Chair, Mr Cooper, Mr Offer and Mr Turnbull.

The Chair: Thank you, Mr Cooper. Any discussion on Mr Cooper's motion? All those in favour? Opposed? The motion is carried.

Mr Offer, are you able to attend a subcommittee meeting today, if it's brief?

Mr Steven Offer (Mississauga North): Right now, yes. I have to leave at 4.

The Chair: Okay. Thank you. Then we'll adjourn the committee and call a subcommittee meeting immediately following.

The committee adjourned at 1551.

CONTENTS

Monday 3 May 1993

Election of Chair	R-5
Election of Vice-Chair	R-5
Appointment of subcommittee	R-5

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- *Chair / Président: Huget, Bob (Sarnia ND)
- *Vice-Chair / Vice-Président: Cooper, Mike (Kitchener-Wilmot ND)
 - Conway, Sean G. (Renfrew North/-Nord L)
 - Fawcett, Joan M. (Northumberland L)
 - Jordan, Leo (Lanark-Renfrew PC)
- *Klopp, Paul (Huron ND)
- *Murdock, Sharon (Sudbury ND)
- *Offer, Steven (Mississauga North/-Nord L)
- *Turnbull, David (York Mills PC)
 - Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
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- *Wood, Len (Cochrane North/-Nord ND)

*In attendance / présents

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Anderson, Anne, research officer, Legislative Research Service



R-3

R-3

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Troisième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 5 May 1993

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Mercredi 5 mai 1993

Standing committee on resources development

Comité permanent du développement des ressources

Organization

Ontario Training and Adjustment
Board Act, 1993

Organisation

Loi de 1993 sur le Conseil
ontarien de formation et
d'adaptation de la main-d'oeuvre

Chair: Bob Huget
Clerk: Tannis Manikel

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LEGISLATIVE ASSEMBLY OF ONTARIO

R-7

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 5 May 1993

The committee met at 1536 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr Bob Huget): If we can come to order, I would like to put on the record the report of the subcommittee of May 3, 1993:

"The subcommittee discussed the committee's agenda.

"It was agreed that the committee will continue with Bill 96, An Act to establish the Ontario Training and Adjustment Board.

"It was agreed that the Minister of Education and Training will attend the committee meeting on Wednesday, May 5, 1993.

"It was agreed that on May 5, 1993, the time will be divided between parties in 20-minute blocks, excluding the minister's statement.

"It was agreed that the subcommittee will meet to discuss the Progressive Conservative standing order 125 designation on the graduated driver's licence system on Wednesday, May 5, 1993, prior to the full committee meeting.

"It was agreed that, in accordance with the agreement made by the House leaders, consideration of Bill 96, An Act to establish the Ontario Training and Adjustment Board, will be concluded on May 10, 1993.

"Following today's announcement by the Ministry of Transportation regarding graduated licences, the subcommittee decided not to meet."

Could I have a motion to adopt the report?

Mr Mike Cooper (Kitchener-Wilmot): So moved.

The Chair: Discussion? All in favour? Agreed.

ONTARIO TRAINING AND ADJUSTMENT BOARD ACT, 1993

LOI DE 1993 SUR LE CONSEIL ONTARIEN DE FORMATION ET D'ADAPTATION DE LA MAIN-D'OEUVRE

Consideration of Bill 96, An Act to establish the Ontario Training and Adjustment Board / Loi créant le Conseil ontarien de formation et d'adaptation de la main-d'oeuvre.

The Chair: We have with us the Minister of Education and Training. Do you wish to make a statement?

Hon David S. Cooke (Minister of Education and Training): What I think I'll do, with your approval, Mr Chair, is just take about two minutes. I do have a statement, but rather than reading it into the record, I think it would be more helpful to discuss OTAB with the members of the committee.

I would just like to say that I do appreciate the work the committee has done over the last period of time with the public hearings in dealing with a positive measure that I think has developed a fair amount of consensus in the province between the business community and labour.

I don't pretend, after 13 or 14 weeks in this ministry, to have mastered all aspects of the ministry yet, so I'm looking forward to this interaction as an opportunity to try to answer some of the questions—we have representatives from the ministry as well—and listen to the perspective of the opposition members as well as members of the government caucus.

I have talked to the opposition critics a couple of times in the last few weeks about OTAB and I know that the Conservative critic in particular has expressed disappointment that there hasn't been much in the way of amendments from the opposition parties accepted during the committee process.

Anybody who has dealt with other pieces of legislation that I've been minister for in the last couple of years would know that we have accepted a fair number of amendments from the opposition parties, and I usually like to have an explanation as to why we can't accept something, and try to do it if we can, rather than saying no to every request from the opposition.

But I think in this particular case, if you take a look at the process that the business community went through along with labour and government and the equity partners that are also on the board, there's been a very substantial compromise struck by both business and labour in order to achieve the Ontario Training and Adjustment Board legislation. It's not easy to start playing around with significant parts of the legislation, because then the consensus between business and labour would break down and that would result in the whole concept of OTAB going out the window. While I certainly appreciate and understand some of the frustration of the opposition critics, I hope you will also understand that the process we've gone through is an important one, and I think an important consensus has been achieved between business and labour to proceed with OTAB.

With those very few words, I would certainly like to get into some discussion.

The Chair: Thank you very much, Minister. We agreed at the subcommittee meeting to go in 20-minute blocks, 20 minutes per caucus, so we will start in the normal rotation with the Liberal Party.

Mr Gerry Phillips (Scarborough-Agincourt): I

have really fundamental concerns with this, really fundamental concerns. I think what this thing is designed to do is fundamental to our future. It's all part of lifelong learning. I think the things it sets out to do are essential. My problem is in the governance of it. I think we're making a fundamental mistake in turning this over to an independent agency.

I understand that it came from the Premier's Council—my name was on that report—I understand all of that, but I am really worried that in all the things we're trying to do to eliminate the barriers between our educational institutions we're setting up an amazingly complex one here. These 22 people are going to be independent. I've some experience with the Workers' Compensation Board, and it is independent from the minister: You cannot direct them in the day-to-day operations.

Also, as I read the OFL's comments on it, it's clear that it comes to that OTAB board with its own agenda. That's totally understandable. In fact, that's the way they see it working: that the success of OTAB and local boards depends on each of the parties around the table being clear about their own agendas so they can determine how they can work together.

What I see is the labour group figuring its agenda out, the business group figuring its agenda out, I guess the other six parties figuring their agenda out and coming to this thing with their agendas. Honest to gosh, I don't think the public's at that table. Part of the public's at that table, but we lose the public interest, so it's foreign to almost everything I think we should be trying to do around here. I completely understand why some of the business community like it, because they see this as real power sharing, I can understand why the labour community likes it, I can understand why some of the other groups like it, but I don't know where the public is on this one, I don't know where the public voice is on it.

My judgement is that it's got a budget; you can confirm this. The goal is that you integrate the federal and the provincial budgets. That's a \$2-billion budget, I believe. Initially it isn't, but eventually it will be. It's huge. It has its own ability, I gather, to raise its own funds. These are almost questions, Minister.

I have, as I say, a fundamental concern about this, as attractive as some people think it is.

I also will raise a separate question. I know that Fred Upshaw believes that the reason these things are being set up is to try to get the money and the people off the books. You might want to comment on that, but he has indicated that that's his concern about these agencies.

But I would like some comment on where the public voice is on this, that once this independent, arm's-length agency is set up, the minister loses control. When I say "control," I mean the public loses its say in it. When

most of us in our constituency are hearing all sorts of comments about people who are trying to develop their skills, and "How can you help me?" I think this thing's going to be removed from us.

Hon Mr Cooke: Part of your concern is obviously more of a philosophical concern than it is some of the specifics.

For the short period of time I was over at Management Board and looking at the whole concept of agencies—this is a whole new class of agencies under the crown corporation, as opposed to Hydro or the Workers' Compensation Board, so if you take a look specifically at this schedule, schedule 4 agencies, staff are totally different from staff at workers' comp or Ontario Hydro. They are civil servants. The human resource policy and so forth are the government's human resource policy, not the human resource policy of the board. They're integrated.

I know OPSEU has concerns with schedule 4 agencies; I've heard them loud and clear many times. But I don't believe the concerns that they or others have expressed about the way that crown corporations like Ontario Hydro or workers' comp are are applicable to schedule 4 agencies.

In fact, I would argue that the accountability is stronger through the establishment of OTAB in a schedule 4 agency than it is under the current system, where money goes all over the place into local communities. There's very little accountability in terms of how that money is spent and the effectiveness and coordination of training money that goes into many of our communities across the province.

You know as well as I do that the overlap that currently exists is very substantial. I can only think of a few agencies back in my home constituency that provide things like literacy training, and there is no coordination between the various groups that provide it. I think this will really allow for some local planning as well as provincial planning.

There is provision, as you know, in the legislation for memorandums of understanding between OTAB and the ministry, and through directives that can be sent to the board of directors from government, just as there is under, I believe, the Hydro legislation. I'm not going to state that any government would want to be using directives on a regular basis. Any kind of directive to Ontario Hydro is a big deal, and any kind of directive to the OTAB board would be, I think, a political question for the government of the day to do. But there is provision in the legislation.

Ultimately, the accountability is with the Ministry of Education and Training, at least to the public. Unless I'm incorrect, OTAB would be reporting through the Minister of Education and Training, and whoever the minister of the day is would be held accountable, just as

you were held accountable for workers' comp in the Legislature and to the public. But there are certainly provisions in this legislation for directives and MOUs to work with the OTAB board.

Also, if I recall, it's required that there be some linkage between provincial government policy and training policy through the OTAB board. So I think there is some additional accountability that doesn't exist now, where millions of dollars are being spent in communities and it's very difficult to measure the effectiveness of the money that's being spent in training across Ontario right now. I'm told that the actual budget for the dollars from the consolidated revenue fund being spent through OTAB would be about \$400 million to \$500 million. That's correct?

Mr Peter Landry: That's correct.

1550

Mr Phillips: Just so you're clear on my concern, if you listen to a Minister of Labour answering a question in the Legislature on WCB, he essentially washes his hands of it because he says it's an independent agency. There is a memorandum of understanding between the Minister of Labour and WCB, just like there'll be a memorandum of understanding. I'm just saying to particularly the NDP caucus because I urge you to—I mean, it's too late on this thing now; it's done. But I find it really unusual that the NDP would be prepared to turn over this much of the public responsibility to a 22-person board. If you listen carefully to a Minister of Labour's answers in the House on WCB—

Hon Mr Cooke: I'm not—I'll never be a Minister of Labour, I hope.

Mr Phillips: No, but I'm just saying, this is exactly the same as workers' compensation. It's called a schedule 4 agency.

Hon Mr Cooke: Yes, it's a schedule 4 agency, which is different. There's also a difference in that—and I gather that your critic has also referred a few times to the ability of OTAB to raise revenues, which is not my understanding. The only revenues that this agency would be able to raise would be things like services that it provides, whether it's tests that are provided now; those types of services.

Mr Phillips: But the legislation, Minister, says that OTAB can set fees, and therefore it seems to me—correct me if I'm wrong here—that it can say to a sector, "We will work with you on training, but we'll want half the money on fees." It seems to me that's the goal, for it to set fees. It doesn't say "fees" in there?

Ms Kathleen Beall: Yes, it does.

Mr Phillips: It does say "fees." Thank you.

Hon Mr Cooke: But perhaps a further explanation would help you out, because that's not what I understand is the purpose. Your critic had raised specifically the issue of a payroll tax, which would never be envi-

sioned under this, for OTAB to be making those kinds of decisions.

Mr Landry: The fees referred to, like the minister referred to, are more administrative fees, like the apprenticeship branch now at the department of skills development can charge fees for the writing of examinations and so on. The key point, though, is that no fees can be charged outside of regulation, and what the act does is permit fees only by regulations, which gives the government a good deal of control, obviously, on any fees. So any fee would have to be acceptable to the government and the government would be accountable also for those decisions.

Hon Mr Cooke: Which is not the case, of course, with workers' comp.

Mr Phillips: I understand it's done through regulation; I understand that. The goal of this, as I recall it, was to combine the federal numbers—I understand the provincial numbers are \$500 million, \$600 million—and that's where I get to the \$2 billion they ultimately would—how much federal money is spent currently in the province, and wasn't the original intent to coordinate the federal and provincial money in this?

Mr Landry: Yes, the intent is for better coordination. I don't think it means, though, that OTAB would be responsible for all of the \$2 billion. That refers to the Canadian Labour Force Development Board agreement, the \$2 billion that it spent in Ontario. The federal government will still maintain its presence in spending in Ontario.

I think the key event around that, though, also was the referendum in October, where there was some discussion about the federal government giving more training powers to provinces. But with the results of that referendum, I think the answer is quite clear. But no, it is not intended that OTAB would take over the federal spending. In fact, the federal government talks about using local boards and it will still have CECs in operation and so on. So no, what we're talking about is those provincial dollars that are not being spread over the various ministries, which is about \$400 million to \$500 million.

Mr Phillips: That is the fact today. But the whole reason for setting OTAB up was to try to coordinate all of this. Therefore, if it can be worked out with the federal government, wasn't it the intent that OTAB be the one coordinating body here in the province? I mean, the minister got up in the House and said that.

Hon Mr Cooke: I don't know whether Richard Allen said that or not. I don't know whether that was the original intent or not, but it's not the case now at this point.

Mr Phillips: On the board of the 22 people, who speaks for other people? Who's there representing youth, for example? The people who are coming to this,

according to the OFL document, come with their own agenda. They caucus it, bring their agenda there. Who's there speaking for the individuals of the province?

Hon Mr Cooke: I don't understand why you would believe that people who are there, who have been appointed, recommended by the business community and by labour and the equity groups and the education reps, would not be speaking for the people of the province. What's the option? The option would be to, what, have local boards that are elected at the local level?

Mr Phillips: I'm just assuming that the groups coming there believe their role is to bring their agenda to OTAB. I'm just going by what the OFL said. The OFL's agenda—or business; if it's business's objective to bring the business agenda, I understand that, but I don't think the business agenda is—it's the business agenda, but it leaves a large gap of the public agenda. If people are coming there as the representative of—which I gather they're doing—I think we've got 22 representatives of vested interest. Who's there for the public?

Hon Mr Cooke: I guess I see that the whole concept of labour market partners—these are the major consumers of the system controlling the system, both at the provincial level and coordination at the local level. I just don't see that as a backwards step or some divestment of responsibility. I think it will really give us the opportunity to have local control and public control of the training agenda in the province. I guess it's just a complete different philosophical point of view on this.

It's going to take some time, just as it has with other boards that have been set up where labour and business have been partners. I think it's going to take some time, once it's established, to mature and have everybody get used to one another and how they can work cooperatively to move the training agenda forward in Ontario, but I really don't see everybody coming to the meetings and saying: "This is it. This is our agenda. This is how we're going to do it." Or the other option is to come to the meetings and work cooperatively to achieve consensus. I believe it will be the latter.

Mr Phillips: But that isn't what the OFL says. The OFL says that it will caucus. They've got to have a lot of time to caucus so they can prepare their agenda. I completely understand that.

Hon Mr Cooke: That doesn't mean they can't go and caucus and talk to one another, whatever process they use, just as they do when they go and talk to one another and they're at a negotiating table and they come to the negotiating table and they find a consensus with their business partners. You're taking the point of view that people will come into the meeting, have a locked position and that nothing will ever be achieved at the board level.

Mr Phillips: I'm taking the point of view this isn't—you keep telling about the training. It's the whole lifelong learning; it's the whole worker adjustment; it's the whole skill development. This isn't a sectoral training program; this is, in some respects, our future. This is, I guess, a bit of a fruitless discussion, because we have such a fundamental difference on it and it's a done deal. All I want to do is register my real, fundamental concerns, not based on hypothesis; based on what people say, how people view this thing. My prediction is that in two years from now, rather than getting on with what's fundamental to our economy and the people who are trying to find work in it, we'll have a series of negotiation sessions going nowhere.

Had you considered two things: Had you considered making this an advisory board for a period of time, like the federal government did?

Hon Mr Cooke: Certainly, not since I've come into the ministry has there been any consideration of that. Initially, when the whole process was looked at, I don't believe so.

1600

Mr Landry: I'm not sure. Maybe in the early stages, obviously, models were looked at, but I think the decision was to recognize that these partners should take a real control over the system and allow them to get on with some reforms that everybody seemed to agree were necessary. There seemed to be a fair amount of consensus around that. To do that, the decision was that it should have some decision-making power and not just be advisory.

Mr Phillips: My own view, David, is I wish it had been advisory for a period of time, but as I say, it's too late.

Mrs Dianne Cunningham (London North): I suppose that I was particularly vocal about the importance of the minister being here. We certainly listened to the former minister at the opening session of the public deliberations of this committee. I think he certainly informed us of a couple of intents, first of all that he would be listening and looking for ways to make the legislation more relevant or to improve the legislation so that we would have a body that could in fact get things done. Secondly, I know he spoke specifically to the issue of the need for a voting mechanism to resolve disputes and that he would listen carefully to any suggestions we have in this regard.

I have to inform the new minister that we took that intent seriously and spent a lot of time reviewing the materials that came before us, both in the committee hearings, asking our questions, and the written reports that he knows, from his experience around this place, often aren't read. But we did in fact look at probably over 100 possible amendments that we could have brought forward from our caucus and decided to bring forward very many fewer—I can't remember, but

probably as many as 20 or something, and between the parties I think as many as 40. We worked very hard to be responsible in that regard. It was with some degree of disappointment that we found that the government, at least to this date, was able to accept only two or three amendments.

In my view, given the intent and given the improvements that would have resulted from the suggestions the public brought before us, I don't think the whole process around OTAB has been particularly responsive and successful. I think the government probably was misguided in the first instance and, in spite of some positive suggestions from many of us, the members in the House, didn't heed our good advice. As the public hearings went on outside of this committee around the province I was critical at the time of the length of time that people had to present to those hearings, and I've been critical since. There were some changes made throughout the hearing process in different communities, but there wasn't a lot of, I should say, confidence in the whole process. I think that has hurt the end result of those hearings, and that's too bad, because that's the kind of thing that could have been easily fixed. But somebody was dug in. Whether the minister at the time couldn't deal with it or whether he agreed with it, I have no idea, but I can tell you that this whole concept should have been welcomed with open arms and enthusiasm. I think sometimes the process really causes the government to lose the confidence of the people it's supposed to serve.

I forgot about that, because I knew the minister wasn't directly involved, and perhaps he wasn't as well informed, but this one I can't forget about. There is no reason, in my view, to have public hearings that cost the public of Ontario some \$53,000, at least to this point in time, reviewing public submissions after hours and hours of work and not seriously looking after or at least responding to, I think, some pretty good examples of where the legislation could be improved.

I'd just like to run through them and then give the minister a chance to respond. He and I have had some discussion about this, but I think it's important that he understand that it was with the interests of the public in mind that we put forward some changes.

With regard to the amendments, we tried to put them in some six different categories. I'm just going to let him know what we attempted to do and perhaps he could make some notes and respond and tell us why the government didn't take the advice of our constituents.

By the way, I had hoped that this would be a particularly non-partisan piece of legislation, because I really think that training is so important.

Given the Premier's position on the importance of the creation of jobs that would form the basis for wealth—he certainly has made those statements many times in public speeches. I've been in his company

when he's done it, and I've now been, I think positively, in a very positive way on behalf of the government, invited to sit on a subcommittee of the Premier's Council, which I'm appreciative of, where we are discussing education and the importance of job creation as a basis of wealth.

All we simply wanted to do in one of the amendments that we put forward, and I think the Liberals put many of the same amendments forward, was to recognize that in order to prosper in the future, Ontario will need a competitive Ontario workforce that will form the basis for wealth and job creation. I want you to know that when the government didn't accept this amendment, I don't think there were any good reasons not to do it and I would ask that the minister look at that.

Hon Mr Cooke: Could I—

Mrs Cunningham: I will tell you what the number was.

Hon Mr Cooke: No, we actually have had. That was in the purpose, right?

Mrs Cunningham: Right. It's in the purpose clause.

Hon Mr Cooke: As I understand it, one of the difficulties, even in the purpose of the bill, was that some people on the business side saw that there was too much emphasis on some of the social goals of this whole process, and the board and some people on the labour side continued to believe that there is too much emphasis on competitiveness and the economy. So even with something as specific as the purpose, it was difficult to go into the process here and look at amendments that would, in some people's views, fundamentally change the purpose and the emphasis of OTAB.

I understand your frustration about amendments. For many years when I was a member in opposition, I didn't have one amendment to any piece of legislation passed, quite frankly, until the 1985-87 period, so I understand your frustration, but in this particular bill it's extremely difficult to upset what is a balance and an arrangement through a process that business and labour have agreed to.

Mrs Cunningham: Could I respond to that?

Hon Mr Cooke: Yes.

Mrs Cunningham: First of all, I think we've learned a lot since 1985. If we hadn't, I wouldn't be here. I wouldn't want to be part of it. I'm just not interested in wasting—

Hon Mr Cooke: You should have been here between 1981 and 1985.

Mrs Cunningham: I can imagine. I wasn't, and there was a good reason for it.

Mr Paul Klopp (Huron): Really?

Mrs Cunningham: But I'm here now.

You were too young, Paul; you wouldn't know about those things.

I find certain committee processes in this place in the last five years particularly frustrating, and I would never want to be part of a government that condones it, and I simply wouldn't be part of a government that condones it. I've got too many important things to do.

I do have confidence that this government is listening. Certainly, I have had some reason to believe that they are, and in this committee I personally think, Mr Minister, that you're part of a process that you would not have approved in the beginning. I think once negotiations go on with however government works—I don't know; I haven't had the privilege of being there, but however government works, whatever you have to do to get people to the table, I respect that. But once it gets into this arena, this is a political arena and I feel strongly that, no matter what, this is where the public speak.

The irony of this one piece, these few words that I'm talking about, is that these words have been stated by the Premier long before we ever got into OTAB discussions, and he is respected for that. He recognizes it.

I think there are times when governments have to overrule interest groups, and one of the great concerns I've got in this democracy that we're all so proud to be part of, about governments, is that they are overruled by interest groups. I think you have every right, as a minister in your government, to go back to these interest groups and say: "Tough. You win a few, you lose a few. We believe in this."

1610

This is not a major issue. These are the kinds of things that were brought forward by the public, and this is an opportunity, I think, for a government to go back and say, "Tough." I can't imagine either of the groups you've talked about, labour or business, not agreeing with this particular amendment and I don't think it was carefully considered. I have a feeling that, clause by clause, this was not carefully considered, and anybody who says to people who are negotiating without the public being represented in any government process, which is not what your government stood for in the last election, is wrong, and therefore I think this has to be looked at.

I would not be raising these issues today if I thought I had a clear reason for the government supporting the exclusion of this particular amendment. I didn't get it—and the response, and with due respect to the parliamentary assistant, I think he did a good job in responding—and there are many issues I won't bring forward because I understand why the government said no. But there are some that I am bringing forward and I think they ought to be taken back, because I think it makes the whole legislation better.

I don't really want to dwell on this. I would have dwelt on the one my colleague raised with regard to the financial implications and what not, but he has done it

very well so I'm trying to move into other areas here.

I understand the process. I understand the deals that are made. I hope I never have to be part of that, or at least I hope, if I am part of it in some small way, to get people to a table, which I find so disgusting, that they can't come to the table when the government invites them to be there in good faith. If we're stuck with that kind of attitude in Ontario, you and I both know we've got problems, as do my colleagues. But anyway, I'm just going to move forward. I understand that. I hope you'll reconsider it.

With regard to a further—it fits into the purpose clause. I guess it could be considered section 4 of the bill. I just thought you'd like to hear this, because I've seen you frustrated before—the objects part of the bill—when you sat on the other side.

On the objects part, we did recommend that there be an amendment based on two or three different groups that reported—trainers and boards of trade and what not. We didn't get a lot of changes from the unions. With due respect, Mr Minister, we didn't get a lot of changes from the unions. They basically talked about what they didn't want to see. If they had brought forward changes I could be supporting or thought they would be improving the legislation—I prefer my latter choice of words—I would be happy to bring them forward too if we thought they were going to improve the legislation. But we didn't get a lot of input where I could bring forth motions, because that was one of the mandates we took a look at in looking through the documentation. We didn't get a lot of good ideas. We got reasons why not to do things, and I'm trying to be fair.

But anyway, in the objects it was recommended here that we add to the intent of participating "in the development and promotion of common standards." We wanted to put "throughout Canada." This was a recommendation that was brought to us by one of the boards of trade; I believe it was Mississauga; I'm not sure. We thought, in the interests of what we're talking about in this country right now and the government itself saying that it has to take down trade barriers, and the frustration around this government in dealing with the federal government around the barriers that exist, that was a helpful suggestion.

Again, you're not going to persuade me otherwise, that this would be detrimental to the legislation. I understand that this training is in fact—we're the first province to enter into this kind of agreement with the federal government and come up with a training structure that will work, but I don't see the harm in putting that in. It was just one small thing where people came forward, gave us a good idea and we jumped on it.

There was another issue there—

Hon Mr Cooke: Could I just—

Mrs Cunningham: Yes, go ahead.

Hon Mr Cooke: This is helpful. You're raising a couple of points. My understanding is that the wording that was suggested—it's not the same wording, but the intent of the wording that you were suggesting, and the Mississauga Board of Trade, is covered by item 6, subsection (6), I guess, under objects, and that's why it is worded the way it is.

Mrs Cunningham: Could you tell me where?

Hon Mr Cooke: Under the objects.

Mrs Cunningham: Yes, I'm looking at objects.

Hon Mr Cooke: "To participate in the development and promotion of common standards in occupational training, so as to enhance labour force mobility by making skills more portable."

Mrs Cunningham: Yes.

Hon Mr Cooke: That deals with the whole issue of both standards in the province and national standards.

Mrs Cunningham: Well, we just wanted to clarify it and say "throughout Canada," that was all. I agree with you, but I just thought it was giving strength to the legislation and letting the other provinces know how we felt. It doesn't say "throughout Canada." It's a general statement. We actually thought you did mean that it would go beyond Ontario, and that's great, because I think these skills that we're teaching our young people ought to be portable from province to province, and that's all we wanted to do, to put the words "throughout Canada."

We thought it was a good suggestion. I don't see where it specifies that. If that's the intent, I wouldn't be worried about putting it in, that's all, as a government. I think you agree with us in that regard, unless I'm totally missing something. I don't want to take up the whole committee time. I've been accused of that from time to time.

I'd like to speak about the makeup too. We're now into section 9. Again, between both opposition parties I think there were many solutions presented, throughout various amendments, to the government with regard to the makeup of the board. You can understand how frustrating it has been for us to go out and talk to the public with regard to the appointment of the labour representatives, saying that seven of the eight labour seats will in fact be given to the Ontario Federation of Labour. It speaks for itself. I'm sure it's part of the negotiations.

Hon Mr Cooke: On that, because I've heard questions in the House, I don't really know what the alternative would be. Even some of the people whom I've met in the business community with respect to OTAB accept the fact that if you're going to have labour market partners who are going to be on the board, then one of the labour market partners is organized labour, and the Ontario Federation of Labour is the representative of organized labour. Probably it's just my own failing, but

I've never understood how you can get—who would appoint unorganized workers and whom would they represent?

Mrs Cunningham: I think that could happen.

Hon Mr Cooke: Whom would they represent?

Mrs Cunningham: I think it could happen. Chambers of commerce could do that now.

Hon Mr Cooke: Could appoint unorganized workers?

Mrs Cunningham: I think they could if they were asked.

Hon Mr Cooke: Chambers of commerce are not going to be appointing workers.

Mrs Cunningham: Can I finish the first point on labour?

Hon Mr Cooke: Sure, go ahead. Sorry.

Mrs Cunningham: And then I'll talk about the other one, because I think if you really want to do something, you can find a way.

I think your point was that people aren't arguing about the Ontario Federation of Labour being given seven of the eight seats and the building trades council being given just one seat. I think you have to think about where we want labour to be involved. I'm only speaking from what I heard in the meetings, because I haven't spent a lot of time on it, but I think to be specific, one of the groups that did come before us was the Provincial Building and Construction Trades Council of Ontario. They, in their presentation, told us that in terms of the absolute numbers involving apprenticeship training, the construction industry is the largest single group, representing somewhere in the neighbourhood of 48% of all apprentices. That compared to 8% in service-related apprenticeships, 28% in motive power apprenticeships and 17% in industrial-related apprenticeships.

If we're looking at training programs and you pose a question to me, I can only come back to you and say that the Ontario Federation of Labour, within that, the building trades council itself said that, "Maybe you should give us more seats," and they took the time to come before the committee and told us that. They made a very good point and they said that the current OTAB makeup does not reflect the important contribution that construction makes to the training of its workforce. So even within that group, they're saying if it is organized labour, maybe the construction workers should have more say, the reason being that they're the ones who are heavily involved in training around the province today.

1620

Hon Mr Cooke: I think it is important to remember that, first of all, the Ontario Federation of Labour did respond to the concerns of the building trades and one of the seven is, in fact, through the OFL, going to be an additional person from that sector of the labour movement.

Apprenticeship training is incredibly important to the province, but it is only one area of training in the province as well. So there has to be a balance here. You may not agree with the balance that's been struck, but none the less, there is a balance.

Mrs Cunningham: I'm going to let my colleague speak to him from his point of view, but I have to tell you that we listened to a number of groups that came before the committee that gave us ideas on how the unorganized workforce could be chosen. So there were examples there. We heard, within labour itself, that it wasn't happy with the number of seats that were given, in a way. You asked me, so I'm telling you.

Within the business sector itself, I don't know how it's going to chose its representatives. I would be curious to know, but you should also know that we said that both small and large businesses should be represented. So we take the same approach for labour and business.

The Vice-Chair (Mr Mike Cooper): Thank you, Mrs Cunningham; we'll get back to you.

Mr Daniel Waters (Muskoka-Georgian Bay): I know that some of my colleagues have some concerns, but I just have one concern and my concern is very localized.

In the Muskoka region that I represent, we have a situation where, when it comes to health care, when it comes to education, whether we're dealing with MNR, MOE or whoever, we are always lumped in with Parry Sound. We have a natural bond between those two regions, and with OTAB, we hear we're going to be lumped in with Simcoe county. I'm just wondering how written in stone these regions are or if there is any flexibility or opportunity to change some of this.

Hon Mr Cooke: At this point, we still are listening and final decisions on the boundaries haven't been decided. The federal government obviously has some involvement in this and we want the OTAB board to be set up so that OTAB board will obviously be significantly involved. So there still is an opportunity for people to make their case about the boundaries. Final decisions haven't been made yet.

Mr Waters: I'll pass it on to one of my other colleagues now.

Ms Sharon Murdock (Sudbury): Actually, I only sat on this committee for a week because I was sitting on another committee, so I unfortunately didn't have the opportunity of sitting through the whole process. I wish I had, because the week that I was here was extremely interesting.

The sections on LTABs in the legislation are not defined, and I understand that regulations are being formulated. I'm wondering how far along you are on the regulations and when we can expect to see them. When would the LTABs be set up? I know my community is

waiting anxiously for this and it has been organizing in terms of the composition for the local training and adjustment board. I'd like some dates, if possible.

Hon Mr Cooke: I'm going to pass it over, but other than to say that, again, the OTAB board has to be set up so that its deliberations and advice can be sought and it can be involved in defining what the roles and responsibilities for the local boards are going to be. But in terms of what stage everything's at—

Mr Landry: We're obviously, with the federal government, looking at the results of the consultation that took place. We realize there are some frustrations in communities wanting to get on with it, but until the board of OTAB is in place, I would hesitate to give specific dates as to when local boards will be set up.

I think it would also vary from community to community, but one of the things that we'll be asking the board to put at the top of its agenda is getting around to local boards and finalizing that process, because we understand that the length of time has been frustrating.

The alternative would have been for the government to make those decisions on its own, and this whole idea was for governments not to make those decisions on their own. So we need the board, to finally answer your question.

Ms Murdock: So OTAB is going to be defining the composition of the LTABs?

Mr Landry: No, there are four partners in this process: the federal government, the Canadian Labour Force Development Board, Ontario, obviously, but the fourth partner is OTAB. It was our judgement that rather than proceeding without that partner, it would be better to wait for that partner to be in place before making final decisions around composition. We do know, however, that we don't want a cookie-cutter approach, so you'll see boards looking differently throughout the province, but we have some expectations around it, and in fact the bill speaks to local boards reflecting local diversity and so on. So Ontario will have something to say; we just didn't want to finalize things before the board, which we think is fair.

Ms Murdock: Not having been here on section 15, conflict of interest, I was wondering if you could fill me in on what happened, if anything, to section 15.

Ms Beall: Perhaps I can help with the explanation of section 15. The conflict-of-interest provisions set out in the legislation adopt the conflict-of-interest provisions of section 71 of the Corporations Act; that is, that part of the Corporations Act dealing with non-share capital corporations.

Basically, that provision says that if a member of a board has a conflict of interest with respect to a contract that the board is deliberating or thinking of entering into, the person must declare that conflict to the members of the board, but you'll notice that there are also

provisions in section 15 to say that the director shall pass bylaws dealing with conflict of interest, which may impose restrictions on directors' activities, because the provisions of section 71 of the Corporations Act may not be sufficient to cover all the different types of conflict-of-interest situations the directors may find themselves in, so there will be provisions for them enacting bylaws to deal with the rest of them.

Ms Murdock: The reason I ask is because the week that I sat here, one of the presenter's concerns was that the board, in I think it's subsection (2) of 15, would be able to put restrictions or could conceivably put restrictions on—if you were in a training consultative business, for instance, that you could conceivably be precluded from being on an LTAB or on the OTAB. I was wondering if any consideration had been given to that aspect, of such restrictions that you couldn't belong to the business for which you were going to be setting up—you know what I mean?

Mr Landry: I think it's a fair question, because a number of people who obviously have an interest in training will want to be on the board. We don't state that they can't be, but I think they have to be careful about declaring a conflict of interest, which is more of a legal question than a policy one. So long as the person was clear about their conflicts and would refrain from voting and so on—it's all those things that would kick into place, but they wouldn't automatically be precluded from being on the board. In fact, you will likely see at least one private trainer on OTAB, because they do have something to say on these issues.

Ms Murdock: I would hope so.

Mr Landry: We don't want, however, OTAB itself, the board, to be making specific funding allocation decisions, which would be really much more areas of conflict for someone running a business who's receiving funds. This is to be a policy board, to make general policies and strategic decisions for the agency. But that's what conflict of interest is about: If you are in conflict, you must declare it.

Ms Murdock: Thanks.

Mr Kimble Sutherland (Oxford): My question is one that actually I have raised with Peter before, and I want to raise it again because the concerned constituents were in to see me again. That revolves around the issue of the Christian brethren who made a presentation here and who, because of religious beliefs, cannot join an association, whether that be a union or a business association or what have you. They can't join either.

They were in to see me again because one of their sons had tried to get into a specific, very specialized-type program and he couldn't get in because they told him, "You have to be a member of the union to get in." I explained to him that I thought what occurred was probably there was a specific training program done in

conjunction with the union that it may have developed, and that may have been offered, I think it was at one of the colleges, and offered specifically as a specific training area then again.

But they wanted to be assured, and I'd like some assurance then again, to clarify that you don't have to be a member of an association or a union to qualify for training under the provisions of what is being set up under OTAB.

1630

Mr Landry: No, you're quite right, Mr Sutherland; you don't have to be a member of a union to participate in the programs of OTAB. I don't know the specific case you're referring to regarding someone wanting to join, of course, but there are a number of programs out there, training programs, sponsored by unions, sponsored by unorganized employers, that only certain people can go because they happen to work for them. But generally speaking, programs are open to all. The bill speaks about the public good and training of all workers. We've thought about these issues.

Also, that would be a very significant policy change for OTAB to make that would require, quite frankly, the support of business and equity group members. I'd be very surprised if either of those groups would support such a motion, and quite frankly the government would have to accept it, and, again, I can't see that happening.

In fact, I think if you looked at the number of people taking training programs slated to go to OTAB, most of them aren't unionized. I think what you're dealing with is a very specific instance. Because I don't know the specifics, I don't want to comment too far, but it is fair for employers to set up training programs for their employees.

Mr Sutherland: Sure. I wasn't given all the specifics either. But there are specific ones that unions have initiated that are offered at community colleges but on the whole they're still open and eligible to anybody. Okay. Thank you.

The Chair: I think the minister has a commitment at 5 o'clock and we've got approximately half an hour or so. If it's agreeable to the committee, we can break that up into 10-minute blocks per party, if it's necessary. Agreed? Agreed. Mr Turnbull.

Mr David Turnbull (York Mills): Minister, having sat through only a portion of the hearings, I have to say there's no doubt that it's a very difficult task in this business of the composition of the board, because if you had taken the advice of the various deputies, you'd have a board of, I don't know, 150 people—obviously impossible, and I know there's an importance in keeping the board down at reasonable levels.

But coming back to your response to Mrs Cunningham's question about the fact that seven out of the eight labour seats were reserved for the Ontario Federation of

Labour, you suggested that you didn't know how you could obtain people from the non-unionized sector—

Hon Mr Cooke: And who they would represent.

Mr Turnbull: —and who they would represent. But it appears to me that, you know, there are opportunities. I mean, for example, the things that come to mind are the Christian labour union, which I know the OFL does not recognize as a union.

Hon Mr Cooke: They're not unorganized. You're talking about unorganized or non-union employees.

Mr Turnbull: Well, okay, and the CITCs could potentially put forward a list of names representing the engines of the new economy as opposed to the old economy, because I think it's probably fair to say that a disproportionate amount of organized labour works in the old economy, whereas you look at industries like pharmaceuticals and some of the medical industries that are springing up, which are typically not organized, and we need to recognize those people and give them a voice.

I notice, for example, that you didn't have undue difficulty when you wanted to have a youth on your education panel, that you went out and got an outstanding 17-year-old. So I don't think the problem is unsurmountable, and of course that relates back to Mr Phillips' question where he was asking, what about youth being represented? You apparently felt it necessary to have youth represented on this royal commission.

Hon Mr Cooke: Nobody is saying on the royal commission that the young person who's on the royal commission can possibly represent all of the youth of the province. So if you had a worker who was either appointed by—you suggested the CITCs or Christian labour, or Dianne had suggested the chambers of commerce. Then I would suggest that I don't know how you'd have groups that are dominated by business appointing workers to represent workers.

Mr Turnbull: Okay, but what about technicians' associations and such people? They're employees.

Hon Mr Cooke: See, I guess this comes down to, again, a basic philosophical difference. I don't see the Ontario Federation of Labour as only representing organized workers in the province. I see the OFL representatives and the building trades people who are on the board as representing workers in Ontario. The only legitimate group of people to appoint representatives of workers are people who have gone through a democratic process to elect their leaders, and that's how I see the trade union movement. You and I will never agree on this.

Mr Turnbull: But I understand that. Not getting into philosophy, it's quite clear that you and I have different philosophies.

Hon Mr Cooke: But that's what this is fundamentally all about.

Mr Turnbull: But what I'm saying is, can you not accept that technicians' associations, non-unionized, can represent industries, and typically industries that are on the leading edge of where we're going—not the auto industry, not the mining industry, which are in decline, but rather those industries which will be the future of Ontario, hopefully.

Hon Mr Cooke: Again, I wouldn't believe that a staff association or an association of professionals would have the same legitimacy in representing workers that an organized trade union, through the democratic process it goes through, has in terms of representing the workers in the province.

Mr Turnbull: I have to say—and I didn't want to get into a philosophical debate about the differences—

Hon Mr Cooke: That's what this is all about.

Mr Turnbull: —trade union leaders are often elected without secret ballots, so let's not get into a great diatribe about democracy. I think that trade associations are quite as democratic as anything that goes on in unions.

Hon Mr Cooke: Not only do I not agree with the philosophy behind what you're suggesting, but I also don't agree that the OFL can't—your basic, fundamental argument is that it can't represent anybody else other than the unions, the organized labour force in the province. I just fundamentally disagree with that.

Mr Turnbull: The Christian labour union certainly disagreed with that.

Hon Mr Cooke: Yes, but the other thing is that if you want to set up an organization like OTAB, just as the Workers' Compensation Board and other boards that even your governments in the past were associated with—they recognized that the legitimate representatives of workers in the province were the OFL.

Bob Elgie, I would argue, even Bill Davis and those folks, when they were looking at boards of directors where there were going to be labour representatives, went to the Ontario Federation of Labour because it is recognized as the legitimate representative of workers in this province. The philosophy that you're now talking about would set us back decades.

Mr Sutherland: They don't support Bill Davis anymore.

Hon Mr Cooke: No, I know they don't.

Mr Turnbull: Excuse me, Minister, that is just simply misleading. The suggestion that the industries that are coming up today, which weren't particularly prevalent at the time that the Workers' Compensation Board was set up by a Conservative government—to suggest that there isn't legitimacy in those industries that are going to lead our economy through the next century is somewhat ludicrous. But I'll turn it over to my colleague.

Mrs Cunningham: I'll jump in on the issue of joint labour-management organizations and refer you to the Workplace Health and Safety Agency, which is presently in deadlock, unless it's solved its problems and my understanding is it hasn't, and say that this issue was raised during the hearings here. There were a couple of suggestions with regard to the need for a voting mechanism to resolve disputes. The former minister said that he would seriously look at that. Obviously, the amendments were defeated, and I'm just wondering if you've had time to think about it.

Hon Mr Cooke: I have talked about it very briefly. There is, as I understand it, some work that needs to be done by OTAB itself. I must say, and I say this now—I guess I shouldn't say anything just as an individual—looking at the process in terms of how decisions will be made, all this had to be done in a way that both sides could agree on when the bill was being put together.

Hopefully, a lot of the items that come to OTAB will be dealt with by consensus. But there certainly will be a challenge to the people who are on the board to see that decisions can actually be made. People are going to have to go into this with a lot of goodwill and commitment to the purpose of this whole process. But in terms of a dispute-solving mechanism, maybe Peter can just expand a bit about the process that will be used to try to find one.

1640

Mr Landry: The proposal is that we will have a double majority plus two other groups. It's to be a majority of business, a majority of labour, plus two other groups, but we've looked at it as being almost a last resort. The former minister was quite clear when this was designed that he wanted consensus to come first and then some kind of mediation process that the board should really design, not us. But if it comes to it, then we go to this voting mechanism of double majority plus two other groups.

Mrs Cunningham: So that's something that's still being considered.

Hon Mr Cooke: That part of it is in place, but in a mediation process the board would probably want to design it.

Mrs Cunningham: I don't understand. I thought that if there were a double majority required to break the tie, should that not be part of the legislation?

Mr Landry: It will be part of the regulations.

Mrs Cunningham: The regs? Okay.

Mr Landry: The regs, yes.

Mrs Cunningham: All right. That's what I didn't understand.

Just one more question, Minister: I thought that the point that was made with regard to youth representation on the board that was requested was a fair one, especially in light of your intent with regard to the royal

commission on education.

Furthermore, I think you should also know that in looking at precedents for legislation such as this that runs these training institutions around the world, your government brought forward the German, Netherlands and United Kingdom models, which we appreciated. You should know those are all tripartite bodies. Government has one of the roles, as well as the labour community and the business community. There's lots of precedent for making things work that I think has been ignored.

In closing, I'm just going to say that we still have an opportunity after you leave today to look at some of the other amendments, and one of them does have to do with a review process in two years to evaluate the implementation and the administration of the act. I hope that one will be seriously considered, because two years from now I would expect anyway that we'll have an opportunity to do that, whether it's in the act or not. But I think that sends out the right kind of signal.

I'm happy that you did come here today, from our point of view, and listen to at least some of the concerns we have. But I'm going to reiterate that I don't think that the process in this committee worked and I would hope that governments of the future will have learned from governments of the past, and that is that there's only so much you can negotiate behind closed doors and still get the confidence of the public.

Unfortunately, I have to say that I don't think this whole agency does have the confidence of the public at this point in time, and I think it's partly due to the whole political process. I'm sorry that I have to say that, but I'll be working anyway to see what I can do to be of some support. There's no doubt in my mind but we could have done a better job.

Mr Waters: I have one further question that I would like to put to the minister. This is my first day actually on the committee.

Hon Mr Cooke: Mine too.

Mr Waters: Yes. There was one part that I was curious about, which was the apprenticeships. I understand it comes in under section 19 in my side talks here with the parliamentary assistant. My concern, as a person who came out of industry, is that I've always felt that in this province we haven't had enough licensed trades, as in there aren't enough of them licensed, and therefore apprenticeships, for those trades. I would wonder whether there's any intention under OTAB to indeed expand the number of licensed trades in the province and create either apprenticeships or skills under OTAB to obtain those licences.

Mr Landry: Yes, I think one of the key demands of OTAB will be to help reform the apprenticeship system. I think there are a number of issues, including numbers of trades, but also who's allowed to participate in

trades, the interjurisdictional red seal program and so on, but that will be a key agenda item for OTAB, to expand the system and make it better.

In fact the model of OTAB calls for something called an apprenticeship reform council. Currently, there is no place, no forum, for various tradespeople and their employers to get together to talk about how you expand the system, how you make it better. The OTAB model calls for a forum, an apprenticeship reform council, where employers, employees and others can get together around that issue.

Formerly, quite frankly, those decisions were made by people like me. I happen to have been the director of apprenticeship for a while, and it would expand at the pace that I would demand it to expand in a sense, and this is going to provide a real forum for reform.

Mr Waters: Is it going to be integrated with the education system at the same time, as some of the apprenticeships are now?

Mr Landry: There is a whole move around school-to-workplace apprenticeship programs, which are expanding as more and more employers express interest and more and more school boards express interest.

OTAB, and the minister referred to it, will be an agency of the Ministry of Education and Training, and obviously the links between workplace programs like apprenticeship and the education side of the house, if you will, are very important. I think you'll see more and more links as school boards start finding and seeking ways of keeping that section of the population in school longer and interested in trades.

So things like the school-to-workplace apprenticeship program, we hope, will expand even more quickly under OTAB.

Mr Waters: I guess I have a couple of concerns that, as I've said, coming from industry, I've seen in the past, and one of them is grandfathering. As you do expand licensed trades, grandfathering traditionally has just been, "I've done this trade for so many years," and somebody signs a document and you are, all of a sudden, a licensed whatever. I was wondering, do you foresee in OTAB dealing with that problem, because not everyone then does come up to a certain standard?

Mr Landry: We see OTAB dealing with that issue, and I'm not going to comment on what my views are on it, because the whole idea is to have OTAB to pick up this agenda around—maybe it's the grandfather issue that you're referring to, or there are other issues of people who want to become tradespeople and have experience, and how do they gain entry into apprenticeships? But these are again the questions that we want the board to be making decisions on, not people like me.

Mr Waters: I know it has been an issue with labour for some time where, because of collective agreements

and because of the way management wants to interpret some things and deal with them, trying to get apprenticeships in. It's been very difficult at times. Even now when we have a large percentage of our workforce sitting at home because of the circumstances, there are still people probably coming into this country as skilled trades, because we do have a difficulty historically in training people. I would hope that OTAB would—

Mr Landry: I think you've identified some of the real agenda items for OTAB and the apprenticeship reform council, and I can't say more than that.

Mr Waters: Okay. Thank you.

Mr Phillips: I gather the way the 22 people will be selected is that the business community will nominate their people. Is that how it works?

Mr Landry: Yes.

Mr Phillips: So the government merely rubber-stamps the appointees of the business community.

Hon Mr Cooke: You can't really say that, because there are some requirements in the act for balance, equity between men and women and so forth. So it's not entirely a rubber-stamp.

Mr Phillips: But you can only select people they nominate.

Hon Mr Cooke: Whatever the legislation says. It wouldn't be a selection of somebody they didn't nominate, but there certainly wouldn't be a blanket accepting of their eight names if they didn't fulfil—

Mr Phillips: I understand. You can only accept people they nominate is what I said.

Hon Mr Cooke: I'm not sure.

Mr Landry: The act would give the minister, if necessary, the ability to select other people simply for the board to be able to run. If a group choose not to put someone forward, we wouldn't want the board not to be able to operate as a board, so in those kind of circumstances the minister could.

But what will happen is that the reference groups that are referred to in the act would be, yes, the source of nominees under usual circumstances, and that's the way we have received the nominees to date. We have not chosen anybody. We have responded to the nominees given to us by the steering committees.

Mr Phillips: That's the clear understanding. So they will nominate the people. My understanding is that the groups feel the nominees are accountable to the group that nominated them. The OFL says, "Labour representatives on the board shall be accountable to the organizations that appointed them." Is that the intent?

Mr Landry: There is in fact almost dual accountability. The primary accountability is to the people of Ontario and the government, but they do have to represent the views, obviously, of business or anybody else who's there. Otherwise there's no point of

them being on the board. But their primary accountability is to OTAB, to the agency, not only to its reference groups.

Mr Phillips: Why do they say that they are accountable to their groups then?

Hon Mr Cooke: I'm not sure what you keep referring to when you say, "This is what they've said." I haven't got the benefit of whatever you've been quoting from.

Mr Phillips: This is my understanding of how this will work, that the individuals nominated are accountable to the groups that nominated them.

Mr Landry: I suppose it depends on what you mean by "accountable." The people who have the power to remove a board member are cabinet. If that's what accountability is, then the people are accountable to the government. I think what they're using is a softer term for accountability, that they should be representing the views of their respective groups. We've tried to cover that in the act under section 14, which says, "Each director shall act in the public interest while taking into account the needs and perspectives of the group he or she represents." I guess it may come down to the quotes that you're using to define accountability.

Mr Phillips: How much of the money is it anticipated that will be administered by this group will come from the province and how much will come from other sources?

Mr Landry: I can't give you a specific percentage, but most of the money will come from the province. There are some programs that receive some federal funding. For example, the apprenticeship in-school funding is cost-shared. That would obviously be federal dollars, but most of it would be provincial dollars. There is no other source of money other than those fees that we discussed earlier, those administrative fees. The bulk of it is provincial, some federal that flows through provincial programs and some minor fees.

Mr Phillips: Has anyone started to draft the memorandum of understanding yet?

Mr Landry: We have started to put together the government's expectation around the memorandum of understanding. We have not begun discussions with the board because it obviously is not in place yet. Right now we're at the background stage, putting together what we think should be in it from a government's perspective, but it's very early.

Mr Phillips: Are there any models that would be helpful to the committee?

Mr Landry: There are some Management Board requirements for the memorandum of understanding, and we have gathered other memoranda of understanding from other agencies to try to anticipate any issues we may have.

Mr Phillips: I think it may be useful for the com-

mittee, Mr Chair, to perhaps see those models.

Mr Landry: You'd like copies of other—

Mr Phillips: Yes, the ones you're using as potential models. What were the closest ones: WCB, the Ontario Science Centre?

Mr Landry: I don't think we looked at it quite that way. We just looked at items covered without looking towards a specific model. We'll start from scratch based on what Management Board is going to require of us. We're just using them as samples rather than models.

Mr Phillips: It may still be useful for the committee.

Mr Landry: If they're available? It's not for me to release someone else's memorandum of understanding. That's my only hesitancy on the point, but if I can—

Mr Phillips: Assuming they're public documents.

Hon Mr Cooke: They probably are. We're not at the point where the government's position on the memorandum of understanding has been discussed at the political level at all.

Mr Phillips: I understand that. That's fairly important to me, to see the final memorandum of understanding, because if it's anything like other ones I've seen, as it defines it, it's an independent arms's-length board with ability to make its own decisions. I think that's what the agency's supposed to do, isn't it?

Hon Mr Cooke: I think there's some expectation of the people who are on the—the groups, the businesses, certainly when they talked to me they wanted to make sure that there was an understanding that the board was an independent board.

Mr Phillips: Yes, I'm sure of that.

The Chair: Thank you. I'd like to thank the minister for appearing before the committee this afternoon. It was much appreciated.

I think we'll take about a 10-minute break here while the clerk and I get organized to resume clause-by-clause.

The committee recessed from 1655 to 1713.

The Chair: Okay. If we can come to order. When the committee finished for the day on February 25, 1993, the committee was considering Mrs Cunningham's amendment to section 20 of the bill. Mrs Cunningham.

Mrs Cunningham: I think, Mr Chairman, we're looking at section 21. Would that be correct?

The Chair: Correct.

Mrs Cunningham: I move that section 21 of the bill be amended by striking out "may" in the first line and substituting "shall." At this point, I'd like to hear why the government wouldn't support this.

Mr Gary Wilson (Kingston and The Islands): I'll remind Ms Cunningham that we went through this in

another section, the difference between "may" and "shall."

Mrs Cunningham: But this is totally different, the intent.

Mr Gary Wilson: All right, I'll come at it again.

Mrs Cunningham: So don't use the same argument. I've probably got it written.

Mr Gary Wilson: Yes. I'm sure I'll be able to convince you again in going over it one more time.

Mrs Cunningham: You didn't convince me last time but you can try this time.

Mr Gary Wilson: Well, all right. I'll take another stab at it, as it were.

Mrs Cunningham: You look; I want my dock, just remember that, and my boathouse. You've got work to do. You're my representative.

Mr Gary Wilson: Well, it's a legalistic argument and in that sense it's very objective and I think—

Mrs Cunningham: Look, don't talk to me about lawyers. People who know me know my opinion of that.

Ms Murdock: Now, now, now.

Mr Gary Wilson: Exactly, and I know why.

Mrs Cunningham: Oh, Sharon, sorry. I've just changed my mind.

Mr Sutherland: Present company excluded, right?

Mr Gary Wilson: That's right. If I may, then, I will say, without any attempt to influence the argument, that the reason "may" is there is that it's to set up the possibility that when you put "shall" in, you are requiring someone to do something, and in this case there is no one to carry out that duty.

The fact is, the conditions you're trying to set out here will be noted in the regulations. That will set out the establishment, the composition and the funding of the reference groups. That will occur in the regulations. But to put "shall" in there, you're requiring an unnamed person or agency to do something, and as they are unnamed, it is virtually impossible to enforce.

Mrs Cunningham: I think that argument was a pretty good one for my last substitution of "may" over "shall," but I don't think it's very good this time, because in this clause we refer to the groups that will have the responsibility for striking these reference committees in subsection 9(2) and section 10. Subsection 9(2) talks about the board of directors, who in fact shall have the responsibility, in my view, of appointing these reference committees. Section 10 I think may pose a problem, if that's what you're referring to, because you didn't take my good advice on that one, and that's the aboriginal peoples. Maybe you've got a point on that one.

Maybe you'd like to explain the difference in your

argument, because I think that 9(2) is referred to, so therefore we do in fact have somebody to execute the establishment of these reference committees. In section 10, I'm not sure; you could be correct. Maybe you are, because there is "an additional director shall" be selected in consultation. Isn't that a "shall," section 10, really? You're telling me that there's no one to oversee this, and I'm saying the clause itself says who "shall" oversee it.

Mr Gary Wilson: Perhaps if you're not persuaded by the legal argument you'll be persuaded by the legal person, so I'll ask the lawyer to give us her interpretation of the reason why there is no—

Interjection.

Ms Beall: Just to explain a bit further about the reference to the term "by the groups named in subsection 9(2)," "the groups" doesn't mean the 22 directors. "The groups" refer to the group business, the group labour, the group educator-trainers etc. So yes, you've identified that of these people out there in the populace, some of them are going to be labour people, meaning the workers, people who are in business, educator-trainers, but you still don't have an identifiable individual, because the term "business" is not a legal term meaning that that is a particular individual or a particular corporate entity.

So although you can identify a characteristic of the people, you can't actually identify the individual people to whom this applies. It's a very generic term, so unfortunately it doesn't, at law, get any further than just saying "anyone."

I hope that may assist. To go back, the word "groups" in subsection 20(1) refers to the groups of educator-trainers, francophones, persons with disabilities. It doesn't refer to the 22 directors, so again it's still not an identifiable person to whom the duty attaches.

Mrs Cunningham: What about subsection 10?

Ms Beall: The same thing also goes for section 10, because "aboriginal people" is a description of a group of people, but there's no way of saying, "Do you mean absolutely every person within that group therefore has the duty?" There's no identifiable person to whom the duty precisely attaches.

Mrs Cunningham: So is it the intent of the government that a reference committee be established?

Mr Gary Wilson: Exactly, as it's laid out in the legislation, and then there's also mention of it in the regulations.

1720

Mrs Cunningham: Have you got the regulations?

Mr Gary Wilson: As you know, the part of the bill that refers to the regulations would be included when we pass the legislation. I'm referring to 30(1)(i) and (j). In other words, 20 refers to the reference groups, and

then the part on regulations shows how it will be carried out, as I said, with the establishment, composition and funding of the reference groups.

Mrs Cunningham: You feel that both these parts are necessary in the legislation? Why do we have 20(1) in there at all then? Why is it necessary, given the position you've just taken with regard to 30(1)(i)? Why do we need 20(1) if you've already got it—and I think that's what you were telling me—under 30(1)(i)?

Mr Gary Wilson: I want to reply to Ms Cunningham, just momentarily, about the reason.

Mrs Cunningham: I'm asking this question: Why do we need the reference committee referral in 20(1) if in fact it's referred to in 30(1)(i), which has just been brought to my attention, where the Lieutenant Governor has the authority to make those regulations? Is there a reason for it here?

Mr Gary Wilson: I'll turn it over to Kathleen.

Ms Beall: Perhaps I could be of assistance. If you look at clause 30(1)(i), it provides for enacting regulations respecting the establishment and composition of reference committees. What that refers to is the process of the establishment, how they come to be established, and "composition" of course represents something to do with the actual composition of the committees.

To make that clearer, if you go back to subsection 20(1), it says, "Reference committees may be established, in accordance with the regulations." It provides for the possibility of making regulations which deal with not the power to establish, not the requirement to establish, but the details about the establishment. Subsection 20(1) provides the power to make reference committees under this act. The regulations section, 30(1)(i), talks about the regulations with respect to the process, how that power would be carried out.

Mrs Cunningham: Thank you.

Ms Murdock: Just a question. In relation to this, given section 19, which establishes councils, or subcommittees, as they're called, am I to understand then reference committees are something above and beyond subcommittees that would be established only for very particular kinds of items and that this gives the flexibility for that? They're not the same as a subcommittee, correct?

Mr Gary Wilson: Exactly: They're not the same. The councils in effect are sectoral groups having to do with the various aspects that OTAB will be dealing with, whereas the reference committees refer to the groups that make up the board of directors. There will be a reference group for business, a reference group for labour, a reference group for the individual equity groups. They will be providing information—

Ms Murdock: To their representatives on OTAB.

Mr Gary Wilson: That's right, to broaden the representation, in effect, so that they will be there to

work with the board.

Ms Murdock: I'm fine, thank you. I have no more questions.

The Chair: Thank you, Ms Murdock. Any further discussion? All those in favour of Mrs Cunningham's motion, please indicate. Opposed? The motion is defeated.

Mrs Cunningham: I'd like to withdraw the amendment with regard to subsection 20(2).

The Chair: Okay. I note it is withdrawn.

Shall section 20 of the bill carry? Carried.

Mrs Cunningham: I would like, with regard to section 21, to move that the bill be amended by striking out section 21.

I'd like to comment that there is one reference to funding in the bill. Section 21 states, "OTAB may charge fees for its services, in the amounts fixed by the regulations made under this act." But there's no definition of what type of fees would be levied. I don't believe this is appropriate. Fees should not be fixed by regulation and decisions regarding funding should be made by the board. That's how I feel about it.

There were, I think, two groups that made these observations during the hearings. One was the Sarnia chamber of commerce. They indicated, "We need to know the intent of this section, who the fees will be charged to and how will they be formulated and at what amounts." Then the London chamber went on to state that it was: "deeply concerned about the method by which OTAB will be funded. If a training head tax or employer levy is used, it will result not in increased employment but job losses for already overtaxed and regulated employers."

I think this clause opens the door for the implementation of a payroll tax for training. We're certainly not in favour of that kind of tax when we're looking for more investment in Ontario and for businesses to come and establish themselves here. If that's the indication—and I certainly expect the government to respond to it in some way right now—I think it's not giving the opportunities and the spirit of cooperation we need in order to get this training structure moving—in spite of the exclusion of the education community, I might add, almost the exclusion, when we gave the government so many opportunities to increase the number of seats for education. It's so important that this all move forward, especially with apprenticeship training programs in our schools. But to be talking about money or fees in this section I think is totally inappropriate, so I don't think the section should be there at all.

With regard to the minister's statement earlier today, where he referred to one of the opposition parties—I think it was probably the Liberal Party; I know he wouldn't refer to us in this regard—raising this as an issue, I can say that we did not raise payroll tax as one

of the solutions in any way. As an issue, it was raised by the Ontario Federation of Labour. It was put forward in their own documentation, including their pamphlets, which I didn't think was a very positive way to go when we're starting deliberations around how we train and how much we need the private sector to be involved.

I'd also like to say at this point in time that the makeup of the other training boards and councils in the models that you presented us from Europe depend very heavily on private sector involvement for the makeup of the business community. I just don't think it's appropriate to have any section in the bill itself referring to the funding. That's why we would like to see this be withdrawn. I'd like to hear your response to that.

Mr Gary Wilson: I'd like to respond in two ways, in the first place to say why it is there, because obviously this has become a bit of a flashpoint in that it's led to misunderstanding, and in part, even a puzzling misunderstanding. To listen to you, Ms Cunningham, you're implying that you do want the board to be able to set its own fees apart from regulation, which regulation puts very strict controls on how fees can be raised since only the government can impose the fees that would come about.

1730

But to go back to the explanation, it's there simply because there are apprenticeship programs that now charge fees. Since these programs will be part of OTAB, and for it to continue in the way that it has been done in the past, therefore there has to be some provision for fees. But it also says that fees will be done in accordance with regulation, and again, that implies that the government has to be involved in the setting of regulations. It can't be the board itself, which would lessen public control.

Secondly, to the question of whether this sets the stage for a payroll tax, it has been consistently said in the committee hearings that it's not the intention of this legislation to bring in a payroll tax, partly because it's impossible to do it. This is legislation setting up OTAB, not to deal with a tax bill, which is what the payroll tax would require. To say that one group has come forward to say that there should be a payroll tax is also something that we heard in the hearings, but it's also something that predated the hearings. The OFL has long called for some form of payroll tax, and just as in the hearings other groups came forward with their proposals that they've had long-standing, the understanding was once they came here, compromises took place that led to the kind of legislation that we're bringing forward. So the fact that the fees are there is simply to account for a process that's already in place.

Mrs Cunningham: Could you tell me what the nature of the fee is?

Mr Gary Wilson: You mean how much?

Mrs Cunningham: No, not how much. What's the purpose?

Mr Gary Wilson: They're administrative fees, as part of the apprenticeship programs.

The Chair: Have you got anything further?

Mrs Cunningham: No.

The Chair: The motion technically is out of order, so we'll move into section 21.

Shall section 21 of the bill carry? Carried.

Shall section 22 of the bill carry? Carried.

Shall section 23 of the bill carry? Carried.

Shall section 24 of the bill carry? Carried.

Shall section 25 of the bill carry? Carried.

Shall section 26 of the bill carry? Carried.

Shall section 27 of the bill carry? Carried.

Shall section 28 of the bill carry? Carried.

Mr D. James Henderson (Etobicoke-Humber):

This is a very moderate addition here and I know the government members will want to support it, along with the parliamentary assistant.

I move that the bill be amended by adding the following section:

"Access to records

"28.1(1) Members of the public are entitled, on reasonable notice, to examine the records listed in subsection (2) during OTAB's usual hours of business.

"Same

"(2) Subsection (1) applies to,

"(a) the records of OTAB's accounts and financial transactions;

"(b) directives issued by the minister under subsection 5(1);

"(c) memoranda of understanding entered into by OTAB and the minister; and

"(d) Management Board directives that apply to OTAB.

"Exception

"(3) Subsection (1) does not apply to records that relate to confidential personal matters."

This addition, Mr Chairman, flows on the concern that Mr Phillips expressed I think so eloquently a little while ago that while labour is represented and while business is represented, we have a concern that people aren't represented, and this little, modest addition won't seem unreasonable to anybody as a way of ensuring that at least if people aren't represented, they have rights of inquiry. We would like this addition to go forward to set up a basis whereupon members of the public are entitled to examine records, ask questions and gather information.

Mr Gary Wilson: This question of accountability has come up fairly often. I think we've discussed it very

thoroughly and discovered that there is a lot of accountability in the legislation as it is now. For instance, OTAB is subject to the freedom of information law and therefore people have access to its data through that method. Secondly, OTAB has to file an annual report to the minister and therefore the Legislature can get involved in anything it wants to question in the annual report of OTAB.

As I said, there has been extensive discussion about the accountability that OTAB has to have to the government. The minister has a very direct control on, or at least direct access to, the way OTAB runs. Since the government is accountable through the Legislature and ultimately to the people, we think the mechanism does provide what in effect your amendment is asking for.

Mr Henderson: Even granting that there is accountability built into the bill as it stands at the moment, why would anybody want to object to just a little bit more accountability in a way that opens up opportunities for members of the public to examine things and ask questions and become involved in the process? I understand the comments that the parliamentary assistant makes, but it just seems to me that this would be a neat and useful addition to the legislation.

Mr Gary Wilson: Actually, I was thinking of neatness too, Mr Henderson. Since it's redundant, it takes away from the neatness of the legislation as it's written now.

Mr Henderson: Thank you, Mr Chairman; no further questions.

The Chair: Further discussion? All those in favour of Mr Henderson's motion, please indicate. Opposed? The motion is defeated.

Shall section 29 of the bill carry? Carried.

Mrs Cunningham: Subsection 30(2)? Is that where we're at?

The Chair: Yes.

Mrs Cunningham: Thank you. I move that subsection 30(2) of the bill be struck out and the following substituted—so we're changing the words here under "consultation" and it should read, "Before a regulation is made under subsection (1), the minister shall consult with OTAB and with each reference committee about it."

If there are reference committees struck at that point in time, we feel that they should be consulted as well, because the board itself would have thought it important enough to have these reference groups, for whatever the purpose might be. If in fact the experts have been asked to consult with any sector of the board or with the board itself as a whole, it's probably with regard to any new training program or perhaps regulations that may have to be developed to make things work more smoothly.

This suggestion was given to us by the Council of

Ontario Universities. We listened to them as they explained it. There were others as well who brought this forward. They recommended this change to ensure that the labour force partners were consulted on all regulations associated with OTAB and any reference groups that they may feel are important to the decisions.

We're just expanding on this section and asking that reference groups that are part of the consultative process at that time—because they must be important if they need legislation for them to be established—ought also to be part of the consultation around any regulations.

1740

Mr Gary Wilson: The way we see this is that it does—I guarantee that there will be consultation with the board before any regulations are brought in, and to raise the question of the reference groups is to undermine the independence of the board.

In part, though, there is the fact that the minister can consult with whomever he or she wants. So the way it's written out doesn't restrict the people that the minister can consult with; it is guaranteed though that the consultation will take place.

Mrs Cunningham: We'll agree to disagree on that.

The Chair: Further debate?

Mrs Cunningham: Perhaps the member for Oxford would like to speak to this one so that when we both visit the University of Western Ontario we can be consistent in our arguments.

Mr Sutherland: No.

Mrs Cunningham: The Council of Ontario Universities has suggested that we add reference groups, and the reason they felt so strongly about it—there were others as well, but this is the one that I can relate to because I spent some time talking to them about it—is that if they are called in and asked to be part of a reference group and there is some issue that is being addressed through regulations, they feel that if they are going to give their time and expertise, as opposed to the only two members in the education representation to the board, they should be consulted as well and that they ought to certainly be given the courtesy of that.

That was their recommendation, so I am putting this forward on their behalf. I just thought, as an active member of the university community who has often felt left out of the consultative process, that you may have something to say about this.

Mr Sutherland: The only comment I have to make about it is that I was able to find many ways to be involved in a consultative process. On the whole, students were well represented there and I certainly hope they get well represented on the committee that's selecting the new president so that they can follow on in those lines. So there are ways of being involved in the consultation process without it formally being in the legislation.

Mrs Cunningham: My only response to that is, I think it's interesting that the same minister has chosen to ask a student to be part of the commission on education. Now we find that not only will students be left out—because they don't have a place on the OTAB, although it was requested that they have one as part of the education sector—but now, if in fact they are part of the reference groups, if in fact the reference group is students, there's no assurance that they will be consulted with regard to any changes in the regulations. That is the intent of our amendment.

In spite of what I've just heard from the government, I still believe that this is an important amendment, and I would urge that the members of the government vote for this.

The Chair: Further discussion? All those in favour of Ms Cunningham's amendment, please indicate. Opposed? The motion is defeated.

Shall section 30 of the bill, as amended, carry?

Mrs Cunningham: I have another amendment to 31.

Clerk of the Committee (Tannis Manikel): Section 30.1.

Mrs Cunningham: I'm sorry, yes.

The Chair: Shall section 30 of the bill, as amended, carry? Carried.

Mrs Cunningham: Actually, 30.1 is part of 30, so we shouldn't vote on it yet. We would not usually vote on a section as amended.

The Chair: The reason I asked for section 30 as amended is that on February 25, we did indeed pass an amendment to section 30. Hence, the request from me—

Mrs Cunningham: So can we deal with 30.1 and 30.2 separately? Is that what you're saying?

The Chair: That's what we're dealing with.

Mrs Cunningham: All right. I don't care, as long as we can deal with it.

The Chair: It will come up.

Section 30, as amended, has carried.

Mrs Cunningham: The parliamentary assistant has a wonderful opportunity here, his last chance. I should remind you that one of the government amendments was struck out and the word "Liberal" was put above that government motion. Therefore, the Liberals can now say they got one amendment. This is our last chance to be useful.

Mr Cooper: You don't want just a token amendment.

Mrs Cunningham: This is not a token amendment. It's a good, commonsense amendment and it's the kind of thing the public is looking for. Some people might even call it a type of sunset clause, where you have a chance to look back.

The Chair: You may wish to facilitate your cause

by moving the motion.

Mrs Cunningham: All right. I move that the bill be amended by adding the following section:

"Review

"30.1(1) On or before the second anniversary of the coming into force of this act, the standing committee on resources development shall undertake a comprehensive review of this act and of the composition, funding and operations of OTAB, its councils and designated local training and adjustment boards.

"Recommendations

"(2) Within one year after beginning its review, the committee shall make recommendations to the Legislative Assembly regarding amendment to this act and changes to be made in its implementation and administration."

I've just a short comment. The amendment will require that two years after the date on which the bill comes into force it will be reviewed by the standing committee on resources development, this committee, which shall conduct a public inquiry into the implementation and administration of the legislation. The standing committee shall be given the mandate to report its findings to the Legislative Assembly and to recommend amendments to address any negative impacts resulting from the act, its implementation, application and administration.

Thirdly, the School Boards Sector Working Group recommended that the legislation be amended to include a mandatory audit and review process. They also recommended that a formal evaluation, audit and review of the composition, mandate and funding of the OTAB, its councils and local boards be undertaken within two years of their establishment.

I think the school board working group is feeling particularly left out in regard to the strong recommendations it made for the makeup, to have more representation on the OTAB board itself. I think they're very concerned that the education community may not be consulted to the extent that it ought to be consulted.

Just as important, and the point I would really like to underline, I think one of the main reasons we ought to be looking at how this board is working has a lot to do with how it relates to young people, how it can have an impact on how attitudes have to be changed in our province and in our country with regard to the importance of apprenticeship training programs. This can only happen by introducing the facts to children in their early education years with respect to where the jobs are in the new economy, where the training has to take place and how successful people are who often don't have a university degree or college degree. They can be particularly successful in many ways in life, even with regard to remuneration, when they are apprentices.

I think that whole focus of the board may be lost in

that there aren't the necessary representatives there from the education community. In spite of the fact that they weren't listened to, I think this is a very responsible recommendation on their part, and I'm putting it forward on their behalf because at least we'll see, in two years, just how well the board is working.

I am only speaking with reference to the education community at this point in time for the amendment, but there are very many other reasons for it that I'm sure I don't need to go into at this time. I'll hear from the parliamentary assistant, and if I have to make a further case, then I'll do that.

1750

Mr Gary Wilson: I do want to assure you, Ms Cunningham, that we have listened carefully to what you said. I think you've really strengthened our understanding of this legislation. Indeed, anyone who reads Hansard I think will see that in our defending of it, the reasons the legislation is written as it is were brought to light by your submission. Certainly you've had a very important role in our understanding of this, just to see how it was put together and what it's trying to do.

Here, again—I can use this as an example—what you're doing is appearing to add some accountability to it that we think is there already. I would just like to read out the various ways that there is control of the directors. For instance, the directors of OTAB will serve for up to three years. At the end of their term, they will be reviewed as part of the appointments process. The term of appointments to councils and local boards will be set out in the regulations, and review can be part of the reappointment process. OTAB will be subject to an annual audit and must submit multi-year plans, annual plans and annual reports to government.

We think there is a very careful review of what OTAB is doing just by the government, but as you say, it has to succeed in the community as well, that we are all interested in providing better training than goes on now. We recognize, as we've heard from all sections of the community through the public hearings, that people are interested in improving our training system, and we think OTAB is the way to do it.

Mrs Cunningham: All right. I'm not going to let you off easily on that. With regard to your first point, I totally disagree. I don't think it has anything to do with accountability. It has everything to do with appointments, and that's part of the regulatory stuff we see around here all the time. Most boards and commissions have a term. You take a look at it. People can reapply. I don't see that this adds anything. It's not at all meeting the demands for accountability as we move forward.

The second point I'd like to agree with you on. I think the annual audit is extremely responsible and I certainly commend the government for putting that in as part of its legislation. I should also say, though, that

with regard to the intent of this phrase that on or before the second anniversary this bill be brought back to this standing committee to take a look at a comprehensive review, we not only talk about whatever "audit" means, we talk about specifically the composition, the funding and operations of OTAB, its councils and designated local training and adjustment boards. It is inclusive. Is the intent of the government that the annual audit take into consideration all of the categories I just referred to? Is that what your intent is? Is this both a program and finance audit that will take in all the categories I just referred to?

Mr Gary Wilson: It takes into account the agency.

Mrs Cunningham: I know, but there will be categories within the audit, and the categories that I have expanded on are normal categories for any audit process, in my view, either a program or a finance audit, which in fact should not be conducted separately. They should be conducted together.

I'm saying that we've given you examples. We've said, take a look at the composition, take a look at the funding and operations—that would be the finance part—take a look at the councils and designated local training and adjustment boards and how they have been useful or otherwise, how they've operated well or otherwise. Those would be the normal terms of reference to take a look at in any audit process. Is it your intent that when you say "annual audit," you're going to do that kind of program audit, or what kind of audit are you referring to?

Mr Gary Wilson: I think the audit does refer to the funding part which you have in your amendment. The composition is what the standing committee on government agencies would be looking at through the OIC appointments, and the operations are the plans that are referred to also in the section that we're talking about. But I think an important aspect to keep in mind here is that we do want to give the board an opportunity to work, just as we do the LTABs as well. If you put down too tight a control, which is what, in a way at least, the intent of your amendment seems to suggest, then they won't be able to work.

Mrs Cunningham: No, that's not the intent. The intent is to take a look at those operating functions of the board and see how well it's working. I think you're protesting too much here. If you don't want the amendment, you can at least say that those are the kinds of things you would take into consideration if in fact the government intends for this agency to go to the standing committee on government agencies. That would have been a responsible response. So don't protest too much, because I think this is exactly what you're going to do. Just say it.

Mr Sutherland: You could bring that up there. You could have it reviewed there, if you desire to do that, or public accounts—

Mrs Cunningham: That's all I asked. I asked that question. You mean I could do this?

Mr Sutherland: The process is in there. Your party could submit, as part of its request of how the committee works, what it may want to put on as a topic item, and you could put it forward there.

Ms Murdock: Or even in this committee under a section 125.

The Chair: Could we have some control over who's going to talk when? I'd appreciate it.

Mrs Cunningham: I appreciate my colleagues giving me these suggestions, Mr Chairman. I think it's my responsibility, as we feel strongly about this and as others feel strongly about it, to have it as part of the legislation. Sunset clauses are not new within the province of Ontario. We feel, as this is a new agency and it is arm's length, that the government would have more control if it were clearly delineated that its progress would be looked at seriously. That was the intent; it's a very serious intent. I am aware of all the

other ways of doing things. I'm also aware that I'm not a member of the government, and therefore, if the government really feels very strongly about this, I would put it into the act. But that's fine. I'm listening to the arguments against it, and they'll be well documented.

The Chair: Further discussion? All those in favour of Ms Cunningham's amendment, please indicate. Opposed? The motion is defeated.

Shall section 31 of the bill carry? Carried.

Shall section 32 of the bill carry? Carried.

Shall the title of the bill carry? Carried.

Shall the bill, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Agreed? Agreed.

We will adjourn for the day, and I'll be contacting the other members of the subcommittee to discuss business for Monday. Thank you very much, people.

The committee adjourned at 1757.

CONTENTS

Wednesday 5 May 1993

Subcommittee report	R-7
Ontario Training and Adjustment Board Act, 1993, Bill 96	R-7
Ministry of Education and Training	R-7
Hon David S. Cooke, Minister	
Peter Landry, director, program design and labour relations, OTAB project	
Kathleen Beall, legal counsel	
Gary Wilson, parliamentary assistant to the Minister	

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- ***Chair / Président:** Huget, Bob (Sarnia ND)
- ***Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)
 - Conway, Sean G. (Renfrew North/-Nord L)
 - Fawcett, Joan M. (Northumberland L)
- *Jordan, Leo (Lanark-Renfrew PC)
- *Klopp, Paul (Huron ND)
- *Murdock, Sharon (Sudbury ND)
 - Offer, Steven (Mississauga North/-Nord L)
- *Turnbull, David (York Mills PC)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

*In attendance / présents

Substitutions present / Membres remplaçants présents:

Cunningham, Dianne (London North/-Nord PC) for Mr Jordan
Henderson, D. James (Etobicoke-Humber L) for Mrs Fawcett
Phillips, Gerry (Scarborough-Agincourt L) for Mr Conway
Sutherland, Kimble (Oxford ND) for Mr Klopp

Clerk / Greffière: Manikel, Tannis

Staff / Personnel:

Anderson, Anne, research officer, Legislative Research Service
Spakowski, Mark, legislative counsel

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Official Report of Debates (Hansard)

Monday 17 May 1993

Journal des débats (Hansard)

Lundi 17 mai 1993

**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

Subcommittee report
Committee budget

Rapport de sous-comité
Budget de comité



Chair: Bob Huget
Clerk: Tannis Manikel

Président : Bob Huget
Greffière : Tannis Manikel



Coat of arms

A new coat of arms appears on the cover of Hansard. Presented to the Legislative Assembly of Ontario by the Governor General on 26 April 1993, it emphasizes the distinctive character of the Assembly and distinguishes the Assembly's identity from that of the government. It was created at this time to mark the bicentennial of the First Parliament of Upper Canada and the centennial of the present Legislative Building. Further information may be obtained by calling 416-325-7500.

Table of contents

Table of contents for proceedings reported in this issue appears on the outside back cover, together with a list of committee members and others taking part.

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve sur la couverture à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et d'autres personnes ayant participé.

Renseignements sur l'index

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au 416-325-7410 ou 325-7411.

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 17 May 1993

The committee met at 1546 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr Bob Huget): I call the meeting to order. First of all, let me advise you that:

"Your subcommittee met on May 10, 1993, and agreed as follows:

"It was agreed that the committee will consider the report on bicycle helmets on Monday 17 May 1993.

"It was agreed that the report on bicycle helmets will be sent to the members of the committee and to the sponsor of the bill.

"It was agreed that the committee would not consider any of the three matters designated under standing order 125 at this time.

"It was agreed that the clerk of the committee will send follow-up letters to the Speaker and the standing committee on the Legislative Assembly asking for a response to the earlier letter on sign language interpretation in committees.

"The subcommittee approved the budget"—for this committee—"in the amount of \$241,912 and recommends it to the committee."

Do I have a motion accepting the report of the subcommittee?

Mr Len Wood (Cochrane North): I so move.

The Chair: All those in favour? Carried.

COMMITTEE BUDGET

The Chair: As was referred to in the report of the subcommittee, we have a full committee budget which we'll distribute to you.

Clerk of the Committee (Ms Tannis Manikel): Members should have a copy.

The Chair: Does everybody have a copy? There are some who do not. I think the subcommittee has it, but the other members do not. All members should now have a copy of the budget. Any questions and/or discussion?

Mr Mike Cooper (Kitchener-Wilmot): Mr Chair, would you like me to move that?

The Chair: If there are no questions and no discussion of the budget, Mr Cooper, you have a motion?

Mr Cooper: I move that the budget in the amount of \$241,912 be approved and that the Chair be authorized to present the budget to the Board of Internal Economy.

The Chair: Discussion on Mr Cooper's motion? Being none, all those in favour, please indicate. Opposed? The motion is carried.

Item 2 on today's agenda is consideration of the draft report on Bill 124, bicycle helmets. Is there unanimous consent to move in camera to discuss the draft report? Agreed.

The committee continued in closed session at 1550.

CONTENTS

Monday 17 May 1993

Subcommittee report	R-27
Committee budget	R-27

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

***Chair / Président:** Huget, Bob (Sarnia ND)

***Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)

Conway, Sean G. (Renfrew North/-Nord L)

***Fawcett, Joan M.** (Northumberland L)

Jordan, Leo (Lanark-Renfrew PC)

***Klopp, Paul** (Huron ND)

Murdock, Sharon (Sudbury ND)

***Offer, Steven** (Mississauga North/-Nord L)

***Turnbull, David** (York Mills PC)

***Waters, Daniel** (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)

***Wilson, Gary** (Kingston and The Islands/Kingston et Les Îles ND)

***Wood, Len** (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Hope, Randy R. (Chatham-Kent ND) for Ms Murdock

Clerk / Greffière: Manikel, Tannis

Staff / Personnel:

Anderson, Anne, research officer, Legislative Research Service

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Third Intercession, 35th Parliament

Assemblée législative de l'Ontario

Troisième intercession, 35^e législature

Official Report of Debates (Hansard)

Monday 23 August 1993

Journal des débats (Hansard)

Lundi 23 août 1993

Standing committee on resources development

Comité permanent du développement des ressources

Farm Registration and Farm Organizations Funding Act, 1993

Loi de 1993 sur l'inscription des entreprises agricoles et le financement des organismes agricoles

Chair: Bob Huget
Clerk: Tannis Manikel

Président : Bob Huget
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LEGISLATIVE ASSEMBLY OF ONTARIO

R-29

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 23 August 1993

The committee met at 1407 in the St Clair/Thames Room, Macdonald Block, Toronto.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Chair (Mr Bob Huget): If we could bring the committee to order, I'd like to welcome everybody to the standing committee on resources development. This committee has been charged to deal with Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers.

The committee has a full and capable staff. On my right is Tannis Manikel, the clerk of the committee; to her right is Jerry Richmond from legislative research; and to Jerry's right is Arlene Cedilnik from Hansard. We also have with us Tony Abbatangelo from broadcast services, whose task it is to record all the wonderful and wise comments that will be heard in this room today.

I'd like to also welcome to today's hearings the Minister of Education, Elmer Buchanan—

Interjection: Agriculture and Food.

The Chair: Agriculture and Food; pardon me. It's a learning experience.

Mr Noble Villeneuve (S-D-G & East Grenville): He's got enough problems where he is.

The Chair: —Paul Klopp, who is the parliamentary assistant to the Minister of Agriculture and Food; Ms Fawcett and Mr Cleary, who are the co-critics for the opposition party; and Mr Villeneuve and Mr Jordan, who are the co-critics for the third party. I'd like to welcome you all. We look forward to a very productive series of hearings.

SUBCOMMITTEE REPORT

The Chair: The first order of business is the report of the subcommittee that met on Wednesday, July 28, 1993.

"With respect to Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that

provide Education and Analysis of Farming Issues on behalf of Farmers, your subcommittee recommends the following:

"The committee will meet during weeks of August 23 and 30, on Monday afternoon 2 to 5 pm; Tuesday and Wednesday 10 to 12 am and 2 to 5 pm; Thursday 10 to 12 am and 2 to 4 pm.

"The first Monday afternoon will be set aside for a briefing on the bill by the Minister of Agriculture and ministry staff. The clerk of the committee was instructed to correspond with the minister without delay to inform him of this and to elicit his confirmation of attendance.

"The following four groups are to be invited and scheduled as early in the hearings as possible, preferably consecutively on the second day of hearings (Tuesday, August 24)—Ontario Federation of Agriculture; National Farmers Union; Christian Farmers Federation; Silent Majority. They are each to receive a one-hour appointment, including questioning time. All other groups and individuals to be scheduled for 30 minutes, including questioning time.

"The clerk of the committee shall place an advertisement in all the daily newspapers in Ontario at the earliest possible opportunity. The advertisement shall be in the normal format used by legislative committees and shall include a statement to the effect that 'hearings will be held in Toronto and in other communities as may be necessary.'

"The witness selection and scheduling, and the decision to travel, if warranted, were delegated to the Chair and the clerk.

"The last two days of the second week of meetings will be set aside for clause-by-clause consideration of the bill.

"The legislative research service was instructed to provide a summary of presentations made to the committee.

"With respect to the draft legislation on graduated licensing, your subcommittee recommends the following:

"The committee will meet during weeks of September 7 and 13, on Monday afternoon 2 to 5 pm; Tuesday and Wednesday 10 to 12 am and 2 to 5 pm; Thursday 10 to 12 am and 2 to 4 pm.

"The first Tuesday afternoon will be set aside for a briefing on the draft legislation by the minister and ministry staff. The clerk of the committee was instructed to correspond with the minister to inform him

of this and to elicit his confirmation of attendance.

"All groups/individuals are to be scheduled for 30-minute appointments, including question time.

"The clerk of the committee shall place an advertisement in all the daily newspapers in Ontario. The advertisement shall be in the normal format used by legislative committees and shall indicate that the committee will conduct hearings in Toronto (2 days), Thunder Bay, St Catharines, Sudbury, St Thomas, Ottawa and Kingston (1 day each).

"The witness list provided by the Ministry of Transportation was agreed to and the clerk was directed to invite the groups and individuals listed to appear.

"Legislative research service was instructed to provide a summary of presentations made to the committee."

That is the subcommittee report.

Mr Mike Cooper (Kitchener-Wilmot): I move adoption of the subcommittee report.

The Chair: Discussion? There being none, all in favour of adopting the subcommittee's report please indicate. Opposed? Carried.

On a related item, in its advertisement soliciting input from the public on Bill 42, which ran in every daily newspaper throughout the province earlier this month, the committee indicated that it would hold these hearings in communities throughout Ontario, if necessary. This provision was approved by the subcommittee whose report has been adopted.

The subcommittee empowered the Chair in consultation with the clerk of the committee to decide whether or not travel would be necessary. In reviewing the lists of requests to appear before the committee, it was apparent that there were not sufficient numbers of potential witnesses in any single community to justify the committee holding local hearings.

Accordingly, all the committee's hearings on Bill 42 have been scheduled to take place here at Queen's Park.

MINISTRY OF AGRICULTURE AND FOOD

The Chair: The first order of business is the Minister of Agriculture and Food, and I'll turn it over to him.

Hon Elmer Buchanan (Minister of Agriculture and Food): Thank you, Mr Chair. I see that copies of my remarks have already been distributed, so I will attempt to go through them very quickly.

First of all, I think everyone is familiar with the Farm Registration and Farm Organizations Funding Act, as it is known, so rather than go over the specifics of it right now, I'll use the time to point out the strengths of the bill and to address some of the concerns that have been raised regarding certain aspects of this bill.

First and foremost, the legislation will institute a funding mechanism to provide general farm organizations with the kind of financial support they need and

deserve. Their efforts in research, education and providing policy advice to governments have benefited all Ontario farmers and should not be allowed to falter due to a lack of funding.

In these days of major restructuring in the entire agriculture and food industry, I believe it's imperative for farmers to have a strong voice in the decision-making process.

With rapid changes occurring in farm technology and management practice, the up-to-date information provided by these organizations is also crucial to farmers' ability to remain competitive.

Without appropriate funding, farm organizations will not be able to continue the kind of research and education process that they have so ably carried out up to now.

Provisions under regulations to be drafted for this legislation will also help empower farmers at the local level. Each farm organization will be required to provide 25% of its net revenues to its local organizations. Not only will this help establish effective representation on the local level; it will ensure that the organizations remain sensitive to grass-roots concerns.

I would add that this was one provision that I was personally involved in making sure was part of this process. It was not necessarily the general farm organizations that were asking for this; it was something that I thought was important to maintain grass-roots support.

Stronger financing to local organizations will allow them to be more involved in planning and projects that benefit the community as well as farmers. General farm organizations have traditionally been key players in stimulating economic activities in rural communities. By increasing local resources to farm organizations, the legislation supports the revitalization of rural communities as well.

At the same time, this bill's requirement for farm businesses to register with the ministry will mean better service to the entire farming community. Because the information will be updated annually, we can obtain accurate, timely information with which to develop new, and improve on existing, policy and programs. As it stands now, we've base decisions on census data which are updated only once every five years.

In addition, our ability to disseminate information on programs will improve with the comprehensive mailing lists that will be available to us from the registration process. I'd like to assure everyone here and everyone in the farming community that all personal information provided to the ministry will be subject to the protection offered under the Freedom of Information and Protection of Privacy Act.

The bill we have before us has been improved in a number of areas that raised farmers' concerns when its predecessor, Bill 105, was introduced.

The non-refundable farm organization fee under Bill 105 has been replaced with a refundable fee so that farmers have the option of asking for their money back. However, I think that many farmers will see the benefits of supporting these organizations and will not request the refund. In addition, there will be no provision for fines in the new bill.

Other concerns expressed about the legislation have also been addressed.

We have worked with the Mennonite community leaders to alleviate their concerns regarding registration and providing funding to farm organizations. As a result, Bill 42 includes a provision that allows Mennonites and other religious objectors to apply for an independent accreditation board for an exemption from sending a cheque to the ministry. The executive director of the Mennonite Central Committee has stated that his community does not object to providing government with information or with being assigned a registration number.

Bill 42 provides for a special funding mechanism for an eligible francophone organization. This is in keeping with the province's long-standing policy of encouraging and fostering the culture and language of the francophone community.

While it is true that fewer than half of Ontario's farmers belong to the organizations currently being accredited for funding under the legislation, other general farm organizations which meet the criteria will be able to apply to receive funding. This makes the legislation flexible in meeting the needs of a wider variety of interests in the farming community.

In this regard, the legislation is unique. Nowhere else in Canada do farm businesses have a choice of which farm organization they wish to support. I think it's healthy. It provides impetus to organizations to be accountable for their actions and to focus on the needs of farmers.

There have also been some general concerns about how we are putting this legislation in place. I'd like to dispel some of these right up front.

Some have called for a general vote from the farming community on the whole area of stable funding. With the new bill's provision for refunds, farmers will effectively be voting with their chequebooks.

Bill 42 also gives the minister discretion to call for a review of the legislation in three years if substantial numbers of farmers request refunds. However, again, I think the merits of supporting general farm organizations will quickly become apparent and farmers will recognize the benefits in continuing their support.

Along the same lines, some have argued that there was insufficient consultation conducted in the lead-up to this legislation. Members know that last summer, in July of last year, 14 public meetings were conducted by the

participating general farm organizations and the ministry. Farmers were encouraged to either attend the meetings or phone a toll-free number with their views.

The fact that we have an improved bill before us now attests to the kind of care we have taken to address the concerns of the farming community. Making the fee refundable, removing the farm organizations funding corporation and removing the provision for fines are responses to those concerns.

1420

I would also add that the farm organizations themselves have done a lot of consultations. I know that the OFA had a meeting at every single county, I know that the other two farm organizations have had several meetings where they've discussed the proposals in this with their membership, and there certainly has been lots of media response in the farm papers and the weekly newspapers. So I think anyone who says that the farmers do not know about this bill is pretending that farmers do not read. They are avid readers of the farm press and they know exactly what's going on.

As some of you know, the idea for stable funding has been around for more than 20 years. The concept has had a thorough airing in the farm community at different points over that time.

I can assure members that all farm businesses affected by the legislation will know well in advance of the bill coming into force what its requirements and benefits will be.

The new registration and funding system will also be administered in a way that is both fair and cost-efficient. As I have said several times, funding and staffing for the registration system will come out of existing ministry resources. No new staff will be hired and no further funding will be needed to run the system.

We have also simplified the process by eliminating the farm organizations funding corporation which was proposed under Bill 105. As the legislation stands, farmers make their cheques payable directly to the general farm organization they choose to support. This is much more efficient than having to go through a third organization.

An independent accreditation tribunal will be needed to provide objective decisions on both accreditation and religious objector applications, but the tribunal will sit only as required, so we expect its operating costs to be minimal. Existing ministry resources will be used for administrative support both in terms of staff and funding.

Some farmers fear that the refundable nature of the fees may be arbitrarily revoked by the minister and that they'll wind up paying regardless of how they feel. Let me assure you that this kind of change could only happen under a legislative amendment, which would have to be approved by a majority of MPPs.

Perhaps the most compelling reason to introduce this legislation at this time is the rapidly changing environment our agriculture and food industry finds itself in. In order to remain competitive, farmers must have access to the latest information on management practices, technology and the emerging issues that they will need to think about and deal with. More and more, farmers are finding it necessary in a complicated world to remain in touch with one another and with the trends that are affecting their future livelihoods. General farm organizations play an integral role in assisting them with vital education and networking services.

At the same time, in these days of fiscal constraint, government should have accurate information on exactly who we are serving so that we can better focus our policies and programs on areas where they are most needed. The days when the economy was buoyant, revenues were high and the government could continually introduce new programs and services are gone, and I think that they're gone for good. Now, even with the substantial economic recovery, the public will demand a full accounting from the government of uses to which their hard-earned dollars are spent. The bill will allow us to collect the kind of information that will be of direct benefit to the farming community.

I'm very encouraged by the amount of support this legislation already has in farming communities throughout the province and I'm convinced that those who are currently reluctant to support it will see and experience the benefits of it in the near future.

By way of conclusion and in I suppose preparation for what I think the committee will hear from a number of people who individually will present to the committee, one should remember that those people who come out to committees like this very often are those people who are opposed to introductions of new ideas. Those people who support what's happening generally are more apathetic and sit back and expect things to happen, so I would like all the committee members to keep that in mind when you hear some of the presentations that I'm sure you will hear.

No one ever expects everyone to agree on this, but generally speaking, in my travels across the province, this bill has a lot of support in the very serious farmers who make a living at farming in this province. I encourage members of the committee to ask pointed questions of those individuals who are opposed to this and those who are in favour.

The Chair: Thank you very much, Mr Minister. Just before we proceed with questions, to my far left is Rita Burak, Deputy Minister of Agriculture and Food.

If it's agreeable to the committee, we can proceed in the normal rotation of questioning in 20-minute blocks, 20 minutes per caucus. If that's acceptable to all the committee, then that's what we'll do. Agreed? We'll start then with the opposition party.

Mrs Joan M. Fawcett (Northumberland): First of all, thank you very much. I'm very happy to be taking part in the hearings on the stable funding bill. I think first off I want to say that our party, the Liberal Party, has always been supportive of the concept of stable funding. There just is no doubt about that. Where the difficulty comes is the manner in which it was to be finalized. Certainly as the bill stands now, we will be supporting it, and I just want to make that very clear because there seem to be some interesting statements being made out there.

I'm definitely happy to see some of the changes that have been made. I guess we were all horrified at the penalty clause and so on of the former bill, but certainly, thank goodness, that has disappeared.

I'm wondering if the registration forms are ready now, because I know in speaking with the deputy minister that they were in the process, and I understood also that possibly they were going to go out for a trial with some of the farm groups. I'm just wondering where that all is, whether we do have registration forms and if in fact they have been tested or when they might be.

Hon Mr Buchanan: There was a preliminary form that was tested with a limited group. The comments that were received then were brought back to me. We've revised the form, and my understanding is that we're going to now test it with a larger group to make sure they not only meet the needs of the general farm organizations but they're user-friendly. We are going to check that out with some more farmers before we finalize it. So there's been a sort of trial run and we've made some revisions to make it more user-friendly and, as I understand it, we're going to test it with a larger group now before we finalize it.

Mrs Fawcett: How are you choosing the groups? Is it a cross-section of the various farm organizations or individual farmers? Then how soon do you expect to have these ready in final form to go out?

Ms Rita Burak: We were trying to work with the farm organizations and also trying to have a mix of geography and farming types so that we can assure people that it fits for a variety of different farming operations.

Mrs Fawcett: I'm assuming, but maybe I'm wrong, is it necessary to have that registration form ready before you can actually start to implement the bill? I recall at the end of the session the tremendous speed with which this bill was trying to go forward, even maybe without hearings, and into third reading, but if the registration forms weren't ready, then I wonder why all the fuss.

Hon Mr Buchanan: Having been at this since December 1990, I'm getting a little impatient.

Mrs Fawcett: I can understand that.

1430

Hon Mr Buchanan: We wanted to make sure we can have it up and running so we can bring it in in an orderly fashion and not have it sort of dumped on farmers. I'm sure I'm on the record as saying this would be implemented and introduced on January 1, 1993, if not 1992, and we certainly are targeting and hoping that we can have this completed for the first of 1994. We wanted to make sure the bill is passed before we get our registration form out there circulating around, before these hearings are over.

I don't have any problem in sharing it as a draft proposal at this point, but not as a final registration form. I think we might be able to do something on that. I've made some promise to some other members I would let them have a look at it. I didn't have a copy because I shared it with staff, I commented on it, I made a few questions about the ordering of things, basically housekeeping things, and then they're taking it back for further testing. So I don't have any problem in letting the committee see it, as long as they realize that it's a draft that they're looking at.

We don't want too many chefs in the kitchen here on this, or we could end up with—what we don't want is a big, long registration form. We're trying to keep it short. We're trying to get some important information that will allow us to make some decisions, like how many people are in this who produce sour cherries, which we know is a problem in terms of price this year, but it'd be nice if we knew exactly how many farmers were growing sour cherries. We want to make sure it's useful but not too long, because if it's too long and complicated, farmers are going to say, "You're taking a lot of our time." We've found that with other forms. The best example of that is the NISA form, which we know that the federal government put together. So we're trying to streamline it, and I don't have any problem showing it to you as a draft registration, because we're not trying to do anything here secretly.

Mrs Fawcett: I'm more concerned with the time. When do you expect it to be ready for final draft?

Hon Mr Buchanan: We would have to have it ready as soon as the bill is passed. It's not completed because we keep testing it. As long as we've got time, we will continue to try to test it out to make sure that it's not too complicated or too long.

We could go with what we have now. We could go with what we had a few months ago when I first looked at it. But we will continue to do some testing and fine-tuning.

But I would make the commitment I'm prepared to share where we're at now, as long as you keep in mind that it's a draft and we don't get everybody having their input and have too many changes to have to make.

Mrs Fawcett: I'll turn it over to my colleague.

Mr John C. Cleary (Cornwall): Minister, I'm glad you are getting closer on everything here, and the registration form, because I know that has been a concern to many. I guess possibly I'd have to say that we were a little bit disappointed that this dragged on as long as it did, something that was a priority of this government. Every member in the House had thought that this legislation would have been back at the start of the last session and then we would have had our hearings and probably those forms and everything would be done now and things would be solved.

Anyway, I like some of the changes that have been made here, and I'm pleased that you say that you've overcome the problem in the Mennonite community. I'm really pleased about that, because those are pretty good agricultural people and will continue to be that.

The other thing you had said, and I wasn't just too clear on this, being as we had so many problems getting a copy of the bill, was that 25% of the revenue collected would go back to the local organizations. I know that will be good for them. They will not have to put on so many picnics and everything else that goes along with it to raise their funds. But I guess we each enjoy their picnics anyway.

So you think that the final form will be out shortly, probably by the time the House comes back? I know we have a lot of questions on that. We all have to try to find answers.

Hon Mr Buchanan: Maybe the quickest way to the answer is to bring the thing in and show you tomorrow where we're at, but we are going back to do a little bit more testing with the farmers because we basically—I mean, let's be fair—did talk to the general farm organizations as well, because they speak for their members, and then it was fine-tuned. There were some things they asked for we didn't put on because they were too detailed, in my view at least. We did some things in order to tidy it up and make it streamlined. But I can share a draft of where we're at with you probably as early as tomorrow.

Mr Cleary: That's all we have to see, a draft. That will solve it.

Hon Mr Buchanan: As long as you understand what we're coming at. It may change a little bit but not significantly. I'm quite prepared to show you that.

Mr Cleary: The other thing that I might like to ask a little bit about is this tribunal that you're setting up. How many people are going to be involved in that and how will they be chosen?

Hon Mr Buchanan: It's probably better that I bring a technical person in. We've had discussions about that. There will be nominees, and ultimately they will be ministerial appointments. We had a lot of discussion on that when we were setting it up as to how they would be appointed, who would put the names forward.

Obviously, you want to be careful you don't just get one person from each group whose role would be to keep other groups out.

One of the important roles of this tribunal will be to accredit new organizations. So if you have—I'll continue to use three as a number—two people from each of three organizations, their role then would be to maintain their own organizations and not let anybody else in. So we have had discussions about how we get someone who understands agriculture and understands farming, understands rural communities, who would sit on this tribunal but would not sort of be the spokesperson for each of the individual organizations. It will be something that will have to be handled carefully to make sure you get people who are of some independence and not affiliated. That's a tricky thing to do. We were expecting it to have seven members in total.

Mr Cleary: How many will sit at a time? Not all seven?

Hon Mr Buchanan: Not all seven will be required. I think I will get Rolly, who's a director who has been working many hours on this. Is there any way, Mr Chair?

The Chair: I was just going to suggest that there is provision for a technical briefing immediately following the minister's questions. If you would like to follow that format or bring the technical people in now, it's entirely up to the committee.

Mr Cleary: However you want to handle it, Mr Chairman.

The Chair: Well, then, if it's agreeable to everybody, we'll proceed with questions to the minister and then bring the ministry staff in for a full technical briefing.

Hon Mr Buchanan: If I could just put my two cents on top of that, we'll just leave that question hanging and he can answer that when the time comes.

Mr Cleary: I have some other questions around it, so I'll wait until that time.

Mrs Fawcett: It's my understanding that the National Farmers Union has now withdrawn from its position as one of the three main groups. I'm wondering, is this going to affect the whole financial picture in some way or are there fears founded that possibly—I know one of the main things was the administration costs. They figure it might cost them money to be a part of this and so they thought they should pull out for that, and then of course we all know that they wanted the vote mandatory. So I'm just wondering, does this affect the bill in any way?

Hon Mr Buchanan: No. Other than that it will be necessary, I believe, to put in an amendment to remove them as one of the accredited grandparented GFOs. I believe at this point in time it will be necessary. They have communicated to me in writing that they wish to

have their names withdrawn as one of the accredited grandparented organizations. They have alluded to the cost. They said that it was going to cost them—the press said \$100,000 to issue refunds. I don't know where they got their costs. But this will not affect the bill proceeding in any way, other than the fact that we'll need an amendment.

Mrs Fawcett: Have you been speaking with the heads of that group?

Hon Mr Buchanan: I have talked to them. I was at their convention in July, I guess it was. They will be here to make presentations as members and as an organization. One of the things they said in their final analysis was that in addition to the cost was the fact that their structure would need to be changed. It's ironic, because the reason there was a three-year grandparenting clause in the bill was that the people who were at the table for them in 1990-91 negotiated the need for three years in order to meet the criteria. They said they could change their structure and it would take them three years to do it. So they would be a truly provincial organization or provincial body, with provincial letters patent and their own treasury, their own bank etc and their ability to then accept money in Ontario and keep it in Ontario. So there's some irony in the fact that we have that three-year clause in there at their request. That's why it was there, and now they are choosing to withdraw because they said they don't want to change the structure of their organization, but those are the facts.

1440

Mrs Fawcett: How's the time?

The Chair: You've got approximately five minutes.

Mrs Fawcett: Just more clarification on this 25% that will go to the local organization: Is that then to completely allow them to choose where they want to spend that money? Is there monitoring of it by the ministry? How does all that work?

Hon Mr Buchanan: The local organization will be responsible to the central organization. We will be interested in receiving an audited statement from the central organization. I doubt that we're going to get down into the county-level organizations. We have better things to do, I think.

Mrs Fawcett: Exactly.

Hon Mr Buchanan: But we will be asking the central organizations, the provincial organizations to be accountable and to show the fact the money did go out. Obviously, if there are complaints and so on, one would investigate, but we're not expecting to monitor things at the local level to that degree any more than they are now.

Mrs Fawcett: I just wondered because the local people know where best to spend their money and how to spend it, so I'm sure they'll do a good job of it.

Hon Mr Buchanan: Absolutely. In fact, I don't know what the actual wording will be, but my wording is "a minimum of 25%." If I were doing it, it would be probably much higher than that, but organizations have a way of centralizing over time, but it says "a minimum of 25%."

Mr Cleary: There are just some that I've found very confusing for a number of weeks now. I know when we were talking to you, Minister, over the last session about getting this legislation into the House, you had said the only thing you were going to agree to would be a few days of hearings here in Toronto, and I just was never able to find out exactly what had happened. I'd just like to know how the two weeks came about, or did that happen? Some people have been getting blamed for it, but I'd like to know just what happened.

Hon Mr Buchanan: I don't know what happened.

Mr Cleary: That makes two of us.

Hon Mr Buchanan: I know that one person blamed me. I was the one who didn't want any hearings, but we had discussions informally and I had conceded for a few days.

My understanding is that the House leaders were negotiating on a whole range of issues and this was put in and somehow got put in for two weeks. I certainly did not think two weeks was necessary other than the fact that it makes agriculture as important as some of the other things. I don't have a problem with that. I don't know if there's any point or any benefit here in trying to figure out why we're here and why it's two weeks at this point in time. I believe it was done at the House leaders' level and this was part of a bargaining chip.

Mr Villeneuve: Ask Murray Elston.

Mrs Fawcett: I really do not agree with that little side comment there from the third party.

Mr Paul Klopp (Huron): What did he say?

Mrs Fawcett: I believe there are three House leaders, we all know, and that three House leaders have to agree to something, not just one, because one can't do it, especially one in the opposition. We all know that the government House leader has the final say—bang. Whatever he wants, that's what goes forward anyway. So let's not get into that little side trip.

The Chair: Thank you, Ms Fawcett. We're dealing with—

Interjections.

The Chair: Order, please. We're dealing with Bill 42 and there's probably very little value in dealing with the fascinating process that got us to this point. You have approximately one minute, Mr Cleary.

Mr Cleary: Just to get back to that little bit there so the minister—

Mr Klopp: Who asked the question?

Mr Cleary: —are saying, as I am, that it was an all-party agreement to give it the two weeks of hearings.

Mr Klopp: It was not.

Mrs Fawcett: Very definitely.

Mr Cleary: Come off it now.

The Chair: Order, please.

Mr Cleary: Anyway, that's the message that should be out there instead of the message that's out.

The Chair: Thank you, Mr Cleary. Do you wish to respond minister?

Hon Mr Buchanan: I'll just repeat what I said. It was negotiated. It wasn't my wish to be here for two full weeks, other than the fact that I think all of us could say agriculture is getting two weeks the same as—I don't know what the other bill is; it's graduated licensing this bill is dealing with—

The Chair: That's correct.

Mrs Fawcett: It's called democracy, I think.

Hon Mr Buchanan: —and I suppose we should say that we're spending some time talking about agriculture for a change.

The Chair: Thank you, Minister. Mr Villeneuve.

Mr Villeneuve: It's finally time that we had a look at stable funding. It's been talked about by many people for a very long time.

"User-friendly" I think is most important. Certainly, Bill 105 had many facets that I personally could not accept and I know you, Minister—it came in and we had some private discussions over it and it was not a user-friendly bill from the start. Certainly it was very acceptable to our party and to me personally to have the bill not only amended but replaced, and I think you did the right thing.

The user-friendliness about the forms: We have many concerns about forms. Farmers fill out forms ad infinitum, it seems. Could you possibly outline what your thoughts are on the forms? I know we've touched on it a bit earlier in the official opposition, but farmers do fill out NISA and GRIP and umpteen other forms. Could they not be meshed into where that information—you probably need less information than both NISA and GRIP, and I would hope you do, but a lot of those things I think are repetitious and some people are having to hire accountants and whomever else to do these for them.

When you say "user-friendly," I want to make sure I understand that it will be truly user-friendly and that a farmer, his wife or whoever from the family would be able to sit down and fill in the forms, as they will be required to. Could you maybe reinforce that for us today?

Hon Mr Buchanan: Yes, and that's something that when I looked at it, I tried to put my view on in the farm organizations. To give you an example, I believe

at one time, on a very early form, we'd ask for a percentage breakdown—I think I'm accurate here and I'll continue anyway, if somebody will shake his head if I'm not. We'd ask for a percentage breakdown. So if I have 300 acres and I have some cherries and some peaches and some corn and so on, we'd ask for a percentage breakdown on each crop. Well, I mean, I'm a math teacher, but I don't know that I'd necessarily want to sit down and figure out if I've got seven acres of alfalfa out of 300, what percentage that is and try to fill out the form. I can put down that I know I've got seven acres of alfalfa.

So I think we've changed the forms now and we basically ask to check off, and I believe we've asked for some quantity in terms of the size, although I'm not positive of that, so that simplifies it. The farmer knows he's got 10 acres of whatever and he can put down what his crops are made up of. That's the kind of thing we've done to try to simplify it so that the farmer himself can sit down and fill it out in probably 10, 15 minutes or something like that would be my guess.

We have the usual tombstone data that people have to put on almost every form.

The other thing we have, in terms of business corporations, where there are two or three partners, we're asking for some information there. We're asking for farm businesses to be registered, as opposed to each individual farmer, because there may be three farmers in partnerships and they can register as one organization. We want to know that there are three people involved.

So there's a little bit more to fill in there, but on the regular data we're asking for our own use. I think we've made it as user-friendly as we can and we're not asking for much in the way of financial data, other than an overview of what size of operation.

Mr Villeneuve: On the financial data angle, will you be asking for specific gross and net income figures or will you be asking for ranges?

Hon Mr Buchanan: We'll be asking for ranges, I think, in the \$5,000—

Interjection.

Hon Mr Buchanan: Or bigger, \$5,000 or bigger. I'd been told earlier that you'd have to get the details later. But no, it's range. We're doing it in range. You check off roughly a range.

Mr Villeneuve: This will be confidential information and subject to protection.

Hon Mr Buchanan: Yes.

Mr Villeneuve: Now, the gross income criteria: \$7,000 has been the key gross income figure for a long time. Could you give us your personal opinion on a \$7,000 gross, how far that would get you in today's farming world and what you would think might be a little more realistic?

Hon Mr Buchanan: There's no magic, I guess, in where the \$7,000 came from, although it's being looked at in a different way as to what \$7,000 means. That's why it was picked, because that's the floor for the farm tax rebate. One of the farm organizations came in suggesting that it should be as high as \$20,000, that if you're a farmer, you should have at least \$20,000.

1450

The committee that spent almost three years looking at this kicked those around. Quite frankly, I think if you're a farmer, even a hobby farmer, \$7,000 isn't very much. But we decided, in the interests of sort of uniformity and not to change too many things, that we would stick with the \$7,000, even though I recognize that it's low. It probably could be raised, but it does affect some of the people who get the farm tax rebate.

The argument on the other side of the coin was that if we increase the floor, those people who buy farms and rent them back to real farmers would increase the rent in order to recoup higher revenues and that some farmers might suffer from higher rent on rented land. When we get the data and we know actually how much land is rented and being farmed—which we will have, because one of the things we ask on the form is how many acres you own, how many you rent—we'll have a little bit better handle on the issue of rental. I think that the \$7,000 is quite low, but I wasn't prepared at this point in time, given that there were some controversial issues associated with this, to raise it at the same time.

Mr Villeneuve: Do I draw a conclusion maybe from between the lines here that you will be looking at a bona fide farmer renting a non-farm-owned property as not qualifying him for a tax rebate? To this point, the farm tax rebate—except for one year, under another government, a bona fide farmer qualified a property owner who owned farm land for a farm tax rebate. Do I hear a little bit in what you're saying that this may not continue?

Hon Mr Buchanan: No, this will continue. It will be the farmer who needs to register, so that the owner of the land—we're getting a bit ahead of ourselves here, but the person who owns the farm and who leases it to a farmer who actively farms it would need to know what the registration number was of the farmer who was actually renting the land, and that person who owns it would still get his farm tax rebate.

Mr Villeneuve: Then the person who rents the farm, the farmer who qualifies the non-farm person who would be getting the benefit of the farm tax rebate, should not see an increase then in the rental fee because of the non—

Hon Mr Buchanan: Absolutely, because the person who owns the farm, who rents it out, will not necessarily need to register. They will not have to pay and go through this process as long as the person who farms

the land registers and gives them the number to put on the form.

Mr Villeneuve: My colleague here from Lanark-Renfrew has some questions, but I'm simply going to suggest to you that possibly you should look at this area where in the bill now, the minister is the person who is subject to review in three years' time or whatever. I would like the committee and the minister to consider this to be done by a committee which is at this time looking at that legislation, and together and in concert with whomever the minister is three years hence—it could very well be you or it could be someone else, but whomever that person is would have direction from the committee.

I do know that many people are still out there saying we should have a vote. I have a problem with the non-existence of a voters' list. I would hope that three years hence we would have a so-called voters' list of bona fide farmers, at which time the minister, in concert with a committee—I would simply like to see the minister, in concert with a committee of this Legislature, look at the services that have been provided, the effectiveness of the farm organizations, the way they are accredited, the way they may want to be delisted, as appears to be the case now. I think this committee, or a committee of the Legislature, should be mandated to do this. Would you consider that?

Hon Mr Buchanan: I will consider it. I have been having some discussions with my ministry staff. We've been discussing what that would look like and so on. I, at this point in time, would say I haven't ruled it completely out.

Mr Villeneuve: Thank you. I'll yield to my colleague from Lanark-Renfrew.

Mr Leo Jordan (Lanark-Renfrew): Mr Minister, going back to the questioning on the gross income for the farm, I get some questions in my riding regarding, for an example, a widow who is living on the farm and she's renting her land to a larger farm operation. The word is coming around somehow from somewhere that on this form—supposing I'm the farmer who's renting the land from her and I have a gross income of \$50,000, just for a figure. Am I going to have to break it down on that form and show what portion of that \$50,000 actually came from the land I rented from her?

Hon Mr Buchanan: No.

Interjection.

Hon Mr Buchanan: The answer is no. It's unequivocally no. And it just reminded me of another problem we have with severances, small lots in rural Ontario that are set aside as individual lots that do get farm tax rebate because they're still farmed even though they're severed lots. That's another issue that I'm sure you'll want to ask about some day.

The answer is clearly no. It's not required now,

because you can have a farm with four or five lots severed and you get the farm tax rebate on those lots that are severed. You certainly wouldn't gross \$7,000 on a one-acre lot that you've severed off. So it isn't happening now and it won't happen in the future.

Mr Jordan: Okay. On the tribunal, that's going to be a very important part of the bill, this tribunal that you're setting up. First of all, I would assume that it must be a bilingual tribunal.

Hon Mr Buchanan: One member at least, obviously, yes.

Mr Jordan: Is that all you would require, is one member to be bilingual?

Hon Mr Buchanan: I'm not the expert, but obviously there needs to be a francophone farmer, a bilingual person, yes. But I certainly would not say all members of the tribunal would be bilingual. That would be unnecessary.

Mr Jordan: So it's not going to be a bilingual tribunal, then.

Mr Klopp: Are you looking for a job, Leo?

Mr Jordan: Could be one I can handle.

Hon Mr Buchanan: It depends on one's definition of the word "bilingual," but it would be unnecessary to have it as a bilingual tribunal per se under what most of us would view as the meaning of "bilingual."

Mr Jordan: The other question relative to that is, if a French farm organization meets the accreditation and so on, the points required to make it acceptable to this bill, what services would it be providing to farmers, other than a bilingual service?

Hon Mr Buchanan: The same services as the OFA or the Christian Farmers would in English. It would be exactly the same service—maybe they would do a better job—but it would be delivered in their own language.

Mr Jordan: Has it been considered that we just leave it all one and we make all our services to the farm organizations bilingual, as we do other government documents?

Hon Mr Buchanan: If I travel in certain sections of eastern Ontario, the president of the farm organization that I deal with is unilingual in French as I am primarily in English and requires some services in French. There still is a need for unilingual French, and there still is also, for those who are bilingual who prefer to read in the language they understand the best, a need to provide those services. We've recognized it in the bill, and that's why we're providing for some funding for a francophone farm organization.

Mr Jordan: In conclusion, then, the money that you're providing for a francophone organization is basically for a bilingual service. There aren't other programs different than the English-speaking, if you will, farm groups are going to receive.

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Hon Mr Buchanan: Well, it's not just translation. The francophone farm organization does not simply translate something into French. They provide services as well for their members. They do other things for their membership as well which are somewhat different but similar, but not the same as the OFA would. The francophone organization at the present time is very interested in education and new technology. They're interested—

Mr Jordan: But aren't we all interested?

Hon Mr Buchanan: Yes. What I'm saying, though, is it has probably a higher priority in their list of services that they provide for their members than it does in the other organizations. They put a very high importance on management training, for example. Everyone understands the importance of it; it's just that they've placed it at a very high level. So each one is somewhat different, and some of the funds that they're going to receive are obviously coming from the other organizations to provide French services perhaps for their members.

Mr Jordan: They're coming from—

Hon Mr Buchanan: The OFA and the CFFO are going to provide some of the moneys they receive from other farmers to the francophone organization, which of course at this time is the UCFO.

The Chair: Mr Villeneuve, you have approximately three minutes.

Mr Villeneuve: The mechanics of the \$150—I believe right now the fee's been set for \$150. Someone decides that's not enough or whatever; it needs to be changed. It's not likely to go down. What is the procedure, or do you have a set-out procedure?

Hon Mr Buchanan: There isn't a set-out procedure, at least not that I am—we have discussed it. Within the organizations, it was discussed at great length. That was one of the fears that some of the farmers had: get us in at \$150 and then raise it. So there isn't a procedure that has been set aside. But I think we're talking about consultation and working with the farm organizations. Obviously, if the fees go up, then perhaps the participation drops off. Obviously, there's some political fallout for the government or the minister, whoever is party to this. So I'd think there would need to be some consultation, and that would be in the regs, so it could be changed. But it isn't laid out: "This is how you would do it."

If I could just add one thing, I think originally we talked about \$150 being there for three years. That was the intent of the people who sat down in 1990, that we would have a freezing of the fees and they were going to have more money because more farmers would be in and that would allow them to keep the fees at that level.

Mr Villeneuve: That may be one more very good

reason to have it come back to a committee of the Legislature as opposed to the minister and whomever.

The phantom cheque business: This has always been intriguing since the refundable aspect came to be part of the bill. Are there going to be phantom cheques?

Hon Mr Buchanan: If a "phantom cheque" is something that's not cashable, my understanding with most cheques is it says something about it having some value, that you can deposit it somewhere and know that it's worth something. I think there are some quarters where I'm being quoted as saying that it would be all right if they did something to a cheque. That was at a meeting where I was responding to a question where I wasn't exactly sure what water I was getting into, but it got deep very quickly. In terms of the regulations, if we receive something that is worthless in terms of what was intended, if someone suggests that you're going to write a cheque out to the OFA for \$150 that it cannot cash, it's of no value, we will most likely be returning that cheque as not a cheque; it's a piece of paper that doesn't have any value. So we will be trying to deal with that.

Mr Villeneuve: This is going to have to be clarified quite extensively, hopefully during these hearings.

Hon Mr Buchanan: Yes.

Mr Villeneuve: I know that's going to be part of my questioning to the different people, because it's my understanding now that because of the refundable aspect of it, you simply sign a phantom cheque to register yourself; you never intended to pay and you never will pay. I don't think that was ever meant to be that way. That's something that I think is going to have to be clarified.

Hon Mr Buchanan: There are two issues, and we were meeting as recently as this morning. One deals with the NSF cheque in the system that happens now. The OFA and other organizations end up quite often with NSF cheques.

We will be certainly looking at a way of, if we receive something that obviously no one could deposit because it's got something on the back of it or the front of it or it's been defaced in some way so that it does not have any value to anyone, we anticipate that we will be returning that to the person, not registering them or giving them a number and saying, "This is not acceptable." We are currently working on just how that will work, and the staff I'm sure can answer some of the more detailed questions, but we have to separate that from the NSF cheque, which is a separate issue.

The Chair: Thank you, Minister. I'd like to take the opportunity to welcome to the committee Mr Wood, Mr Hansen, Mr Cooper, Mr Wilson and Mr Perruzza, who have joined us for hearings on Bill 42, and we'll lead off questioning with Mr Hansen.

Mr Ron Hansen (Lincoln): The question to the

minister is that this legislation that we have now has been around for about 20 years. It's taken 20 years until we've got to where we're at right now with this farm stabilization. Is this legislation used in other jurisdictions in Canada or the United States?

Hon Mr Buchanan: There are other ways of funding farm organizations in other provinces. Actually, it's a good question, because you take me back to 1990, and my memory's fading here, but in Quebec there is one farm organization. Everyone is expected to belong to that organization. There's an organization in Manitoba which in fact has a very complicated checkoff system where they extract revenues from every farmer in the province. Quebec and Manitoba are primarily the two provinces that have something in place that farmers sort of must participate in in a legal sense. The other provinces do not have a similar system, but those two do.

Mr Hansen: Okay. Maybe I'd question a little bit more how this bill actually compares to other jurisdictions like Manitoba. You say it's a compulsory check-off. What does the farmer receive in Manitoba—if you can answer that, because you must have studied all these areas—compared to what they would in Ontario here?

In other words, you're going to be getting a registration number. This number will be able to identify a farmer and possibly other benefits as we go along to say that possibly you can have an exemption here or there because you are a farmer etc. Can you give me a little bit more background on more advantages, other than just the farm organizations themselves, what the individual farmer will benefit also?

Hon Mr Buchanan: I'm not the expert in the Quebec and the Manitoba situations, but I can tell you that, generally speaking, checkoff systems are a good way of funding central organizations. So you have a checkoff on all the cattle or all the hogs that are sold in a province and it goes to provincial agencies. It provides them with an ongoing source of revenues, and that serves certainly its purpose.

It does not necessarily strengthen the local farm organizations, the local chapters of those organizations. If we look at what we have in this province in the way of checkoffs in various—in many of the cases you're going to have the same grass-roots support.

This particular legislation, in my view, is going to strengthen the voice at the community level, at the local organization, get them more involved, because I believe that if you're participating in this, you're going to come out to the meetings at the local level and you're going to strengthen the farm voice at the community level, which is not the case in Manitoba.

In Quebec I would say that there's a very powerful voice but it's centralized. The minister from Quebec in

fact recently said to me that he wasn't too sure what we were doing here, because in Quebec he has to consult with the head of the organization in Quebec before he makes a move, and this was bad, that he would have to consult.

I don't necessarily think it's bad. We're not asking all farmers to belong to one organization. We're giving them a choice, we're giving the option for more organizations to be added in the future. So we've got more flexibility in our plan than they have in Quebec or in Manitoba. There's some choice involved in this, and it's also going to put money back at the grass-roots level, which is what I believe the strength of the farm organizations is, at the local level.

1510

Mr Hansen: Well, of all the bills that the government's put in, on Bill 42 I've only had support at my office. I haven't had one person object to it. But my area has a lot of OFA; we've got the Christian farmers. But I did have a tour with a feed dealer on their farm exchange program up in the Bruce area, and I talked to Christian farmers in that particular area, OFA, and they said: "Let's get on with it and get it done with. We've waited long enough." I can say that I haven't had one objection on this particular bill and I think that overall in the community we would hear in our offices of large objections. So I think it's a bill that we should get through and get going by January 1994, if not earlier.

Mrs Fawcett: Maybe you people should stick to agriculture.

Mr Len Wood (Cochrane North): Thank you very much, Minister, for coming forward today with your presentation and the time you're taking to answer questions. Having been born and raised on a farm for the first 15 years of my life, and a lot of my relatives are still farming, I've taken an interest in this.

A brief question to the point: From what I can understand, the farmers are going to be required to pay a fee, and there are going to be benefits for the farmers, but there are also going to be benefits for the communities. I'm just wondering if you wanted to elaborate more on what benefits there might be for the farming communities and for the farmers.

Hon Mr Buchanan: I believe quite strongly in trying to strengthen what I call rural communities—that may involve a town and the area around it, the township or townships around it—as a viable economic unit. Over the last couple of decades, many rural communities have been in disrepair, if you will. Their economics are in a downwards spiral. The farm community basically has been in a recession since 1981. They never really came out of the recession in the farming area.

I think it's important to have strong organizations at the local level. These are the organizations, in addition to the agricultural societies, with the local farm organiz-

ations, that have ideas, that produce leaders.

One of the things that I think for the future is that we need to look at ways of getting more money in from the consumer back to the farmer, and the farmers are the ones who need to figure out the ways of doing that. Governments can't do that.

They sponsor lots of educational things for the people in the communities in terms of the importance of buying Ontario-grown products. They have ideas. They have ways of setting up farmers' markets, for example. That has to be a decision made at the local level.

So there's lots of things they can do at the local level that can't be done centrally, and that's why I think this is so important, to get some revenues to the local organizations to help revitalize rural Ontario, starting with the farmer.

Mr Wood: Just before I turn it over to Mr Klopp, I know that there's a history going back 25 years with the farmers who have been working and the research that I've been looking through there. There have been eight attempts made since 1969 to do this, and I would have preferred to see it happen a little bit earlier. I would have like to have seen third reading in June or July. It wasn't to be because there was no agreement reached. But I'm looking forward to the presentations that are going to be coming forward and listening intently to what they have to say. I'll turn it over to the Chair.

The Chair: Thank you, Mr Wood. Mr Klopp.

Mr Klopp: Thank you very much. I'm glad to see you today, and colleagues from all sides of the House, here to talk about this important issue.

For me, I've been involved in this issue since I was 21 years old and I'm little older than that now. In fact I've come full circle to agree that we need to have a strong farm mandatory, refundable or whatever check-off.

Some of the people I've talked to over the years in fact, and there are still a few out there unfortunately—or, well, maybe it's fortunate we're lucky enough to live in a society that allows different thought—have said: "As a government here, what are you doing? You're forcing people to join something." They act like it's something new and has never been around before.

I think back in my own county. We have a Huron county federation of agriculture, which is a general farm organization for the county. I was lucky enough and honoured to be actually the president for a couple of years. But that organization was founded by the county council, and they actually made every township, through a levy on your farm property, a certain percentage to go a general farm organization. It was structured not unlike what we're doing now here that you have each township, so that you talk about local people really having to get involved—because that's only how an organization works. Money is the easy part. It's getting people to get

to a meeting and maybe have your gas and telephone bills paid, heaven forbid.

But then it worked out that over the years, because of people maybe trying to get along better or whatever, the levy was taken off in some townships and just a grant form was given, at the beginning in lieu of what they received in a levy form. But I know myself that over the years, because maybe there weren't so many farmers active on councils or whatever but for a lot of reasons, the levy started to disappear. As the levy disappeared, I think I saw a direct relationship to the amount of input that rural people had on political issues.

I guess my point is, I do believe that you need to have strong organizations and you need to have some stability in how much money you get in, and also the idea that it's something that is new and radical, I think if we look back on our history, we've had a lot of people who were forward-thinkers, and I think this bill does that.

With regard to the local input, you mentioned the 25%. What was your general reasoning why you recognized that you need to make sure that money gets back there?

Hon Mr Buchanan: I'm going to be careful here not to name any organizations by name, but there have been a lot of good ideas, a lot of good organizations, that have become overcentralized. We even know of some very good charities that have started out in years past to really perform a vital function that over time became centralized and having a large head office and more staff and so on. Those concepts became more important and more and more of the money that was available went into running a central organization as opposed to service delivery. I've seen that happen. I've seen it happen in other fields. I'm not just talking here about agriculture. It can happen in education. It can happen, as I mentioned, in many charities.

I was looking at a way of providing stable funding, if you will, for organizations, but I wanted it primarily channelled at the local level so that the local level would be the one with the ideas—they're where the service is needed—and provide service for the members, and not simply provide a source of funds for a glass palace somewhere in, I don't know, Chatham or Mississauga or wherever. It's important to me that the money go back and the service go back to the members. So that's why I wanted that provision there that we not just get into a large central bureaucracy.

Mr Klopp: I think that's something that would help get a lot of farmers on side on this issue, because I know that even in our own discussions our council had at the county level almost six years ago over this, we wanted to make sure that any farmer who felt—and that argument always came up, it seems: "Oh, well, you're going to have somebody at the top with a car." Any of us who ever really got involved in organizations, if

anything, we were always doing the opposite. We were the first ones to take a pay cut or to cut out even getting gas money.

So I was really glad to see that we listened to that and we said, "Well, okay, we'll put this in place to get people to go on side," because truly I have seen a remarkable situation happen in this province over this issue, and I think you can be credited for that, which is that for so many people who maybe haven't joined, or joined once in a while and stopped once in a while, these questions were something that would bother them and we answered them. I think that shows with the feeling that I have out there, and I think a lot of us have, that this is good at organizations and this will work.

The registration and the ministry benefits: So many people on this question say: "Well, what do you mean that the government doesn't have lots of information now?" I've had to try to explain that maybe we have tons of information but it's almost unusable because of the one grape farmer here or another farmer in another area. In your registration, you alluded to a little bit of farm programs, but could you expand a little bit on that, on how you will use the information?

1520

Hon Mr Buchanan: First of all, we will have for the first time—as I understand it, we'll know how many farm businesses there are in this province. I can remember my first day on the job when I asked how many farmers there were in the province. We know how many farm tax rebate cheques we send out, we know how many various people are enrolled in different programs, but we don't know the crossover, where people have three different businesses owned by the same person. We can't detect that they're different. So we're going to have some accurate data; we're going to know how much we've got in terms of acreage; we're going to be able to determine shifts in patterns.

An example is, some people said that GRIP would lead to changes in what people would grow because of the one—soybeans, for example, might be a better thing to be growing than wheat or corn because of a better price. People would switch their crops, not because of the market, not because of the climatic conditions, not because of the land they own; simply because they thought there was a better support price for GRIP.

We'll be able to monitor those things if we choose to on an annual basis now when we see what the shifts are. We'll have up-to-date information and be able to see what the changes are and what's happening. So it'll be current information as opposed to anecdotal or information that's five years old. The census data is a useful overview, but it's not a precision estimate that you can make decisions based on because, quite frankly, the census forms—we talked a little bit about forms earlier. I'm very familiar that the farm census form is

not the most user-friendly form one ever had to fill out. So we're hoping we'll have some very accurate information on a very short form.

Mr Klopp: How much time do we have left?

The Chair: You've got approximately three minutes, Mr Klopp.

Mr Klopp: I think, in the interests of time maybe we'll want to get on with the—like our caucus has said, we want to get this thing passed as soon as possible. Let's move on if it's all right with you. We'll give you three minutes back.

The Chair: Thank you, Mr Klopp. I'd like to acknowledge the presence of the member for Chatham-Kent, who is not a regular member of this committee, but I know he's interested in the deliberations and interested in this bill. I welcome you and hope you enjoy the proceedings. There is approximately two minutes of government time left. If you wish to ask a question, you may do so.

Mr Randy R. Hope (Chatham-Kent): No thanks.

The Chair: We've completed the first round of questioning. If it's agreeable to the committee, if everybody's questions have been sufficiently answered, we will then move to a technical briefing. Any opposition to that?

Mr Anthony Perruzza (Downsview): So moved, Mr Chairman.

The Chair: Thank you, Mr Perruzza. I'd like to thank you, Mr Minister. You are certainly more than welcome to stay for the technical briefing if you wish. May I have the ministry people come forward, please, and take a position by a microphone and identify yourselves for the purposes of Hansard.

Mr Rolly Stroeter: Am I in the way if I sit here?

The Chair: The difficulty is that you must speak into a microphone so it can be recorded on Hansard. If you're seated by a microphone you're okay, and if you're seated by a microphone, please identify yourselves and we'll proceed with the briefing.

Mr Stroeter: I'm Rolly Stroeter. I'm the chair for the working group who has been working on this issue for the last couple of years. We have a two-part presentation. I'll start out and give you a brief background and a bit of a policy rationale for the bill. I will explain the registration system and how it will work and maybe address a couple of the issues that were raised here about the tribunal and the francophone organization. Louise Stratford, the director of legal services, will then go on to a review of the bill itself.

In terms of background, colloquially, this issue has been referred to as stable funding. This is not about horses but about finding a stable source of funding for general farm organizations. The minister mentioned it was on the agenda for a long time. This is actually the

third committee since 1989. In 1991, Minister Buchanan invited farm leaders of the three general farm organizations to join him on a steering committee to see if they couldn't move this issue forward. We introduced Bill 105 in November 1992 and this bill was replaced in June 1993 with Bill 42.

Why is it important to provide a stable source of funding for general farm organizations? The number of lobby groups and industry groups has risen dramatically over the last few years and most industry groups really rely on checkoffs and this is quite easy for producer-representative groups when your aim is to market a product and you receive money. These groups are generally well-funded and the whole concept of check-off is extremely well-recognized in Ontario. This, however, has left the general farm organizations—and they deal really with a full range of agricultural issues beyond specific commodity groups—somewhat vulnerable. Somebody needs to address the industry-wide issue, the overarching issues, the land use policy, the environmental question, the taxation issue, farm finance questions; most of these go beyond specific commodity interests.

Also, the costs of membership development have risen significantly in previous years. Some of the larger organizations actually spend almost one third of their revenues on membership development, so clearly it is a very expensive business to maintain this kind of organization. At the same time, government is relying more and more on advice and input from these organizations and very few policies and programs are developed today without their input. So the pressure on farm organizations is to send their members and their executive members to all kinds of consultations, to be prepared and to provide good policy advice to the government. All these developments then result in increasing financial pressures on these general farm organizations.

The funding mechanism itself: Many options were considered over the past few years, all the way from various checkoff proposals—voluntary, mandatory, refundable—to various payment processes. Bill 42 now provides a refundable fee to accredited general farm organizations; it provides a choice—several of them; it provides for the special funding of one francophone farm organization; it provides for a farm business registration system; it allows program access validation to eligible farm businesses; and, as the minister has mentioned, a significant change from previous proposals is the empowerment of local organizations by actually directing 25% of the fees collected to the local level to encourage strong grass-roots organizations.

Why did we need a registration system? The ministry does not have a consolidated profile of agricultural producers as business entities. This clearly is an important business sector in the economy and we need to understand it as such. The intended uses of information

are primarily to analyse and develop ministry programs and policies. It will help us in distributing and mailing application forms and other information to our clients. It will assist in the collection of the farm organization funding fee and will also validate program access such as the farm tax rebate program.

You have asked what type of information are you asking for and how complicated will it be. All Ontario farm businesses with sales of \$7,000 plus must register their farm business operation with the ministry. They will provide basic information only: business name and the ownership structure—is it a proprietorship or corporation; if there are shareholders, who are the three principal shareholders; if it's a cooperative or a public corporation, who are the three top officers, their names and addresses.

Then there is demographic data that we will be collecting, strictly age—not precise age, age in range; I believe it's five- or 10-year ranges—educational background, general level of education and continuing education that these people have undertaken.

1530

And we will be asking for business data. This business data is the data farmers will have filed with Revenue Canada the year before. We are not seeking copies of any of this information. We are strictly relying on a self-declaratory mechanism whereby the farm business owner declares gross farm income as reported on the last Revenue Canada filing and it is going to be in broad ranges. I see operation between \$7,000 and \$10,000, \$10,000 and \$25,000, \$50,000 and \$100,000, \$100,000 to \$250,000, or more than \$250,000, roughly those kind of ranges, very broad.

Then we will also ask for the number of employees, hired labour, non-family members. We want to have a small idea about farm acreage: How much do you own? How much do you rent in? How much do you rent out?—and review of the sources of sales: What kind of commodities do you produce? What kind of crops do you grow? What's the livestock that you have?—and only by type, not by size or percentage, just simply: "Yes, I have a mixed-farm operation. I have wheat, and I have some livestock and here it is." You know, just a checkmark type of thing.

All the information that we do collect is subject to the Freedom of Information and Protection of Privacy Act. That means it can only be used for the purpose intended and that we have declared to farmers what use we will put it to. In terms of sharing the information with general farm organizations, the only information that gets shared is: name, address and telephone number of the principal owners and the name of the farm business and the registration number. We'll forward the cheque to the farm organization. That's the extent of sharing.

In terms of analysis, we can analyse this data and

issue reports on a very summary basis. But nobody can find out: it's farmer x on concession "so" has this kind of operation. That is proprietary and that's protected.

How does a farm business go about registering? Very briefly, a very short review of the steps in the process: The ministry will mail out a brochure and a registration form. The minister has committed to the form being short. We hope it's going to be no longer than three pages. The owners return the information and the cheque to the ministry. The ministry updates its database. We validate the farm business registration number.

We then send a cheque that the farmer made out to one of the accredited farm organization, to the farm organization with the limited data that I described: name, address, telephone number. The farm organization provides receipt of the cheque, the amount paid and any kind of membership information about the organization the farmer may be interested in. The farmer then has the option, the choice, to request a refund from the farm organization directly. This does not invalidate any registration number. However, a valid registration number is needed to access programs such as the farm tax rebate program. This process is repeated each year.

Let me talk very briefly about the tribunal. The minister suggested that there would be seven members. They are knowledgeable and pre-eminently qualified to know about issues in the agriculture industry and know something about farm organizations. Clearly they cannot be currently members of the board of directors or elected leadership of farm organizations. However, it would be difficult to find qualified people who at one time or another in their lives weren't members of farm organizations, clearly. So long as it's far enough in the background, that's fine.

The tribunal has, really, three purposes. It's there to determine orders on hearing for religious exemption requests, it's there to determine special funding for the francophone organization and it's there to accredit and review general farm organizations, accreditation status. It only sits as it is required. So it's part-time per diem payments that are paid and there is no administration or full support to this organization. It's an ad hoc group that meets as needed.

In terms of what kind of services the francophone organization provides, it provides general farm organization services, just as the English organizations provide. The difference here is that they provide it mainly to their members in their own language. It also provides francophone members an opportunity to really participate in a francophone farm organization as unilingual-speaking individuals. That is one of the strengths the francophone organization has: It's not bilingual in that sense; it's a unilingual organization. It allows for that. It really focuses on the special interests that francophone farmers would have in Ontario. It has a full range of education programs that the other

organizations do. They're very similar to the other farm organizations in that respect.

That's it for me. I turn over to Louise Stratford for the clause-by-clause review.

Ms Louise Stratford: Thank you, Rolly. I'm the ministry's director of legal services. I'd like to offer you a bit of a road map to the legislation, so you know where things are, an overview of some of the key concepts and principles in the bill.

The first overhead is just a rundown of the various parts of the bill, the general headings, as to what's contained in each. I'll be taking you through each of these parts in a fairly general way. Each of these tackles a different feature of the bill and they aren't part I, II or III as such, but you'll find the headings in the front of the bill. As you carry on with the hearings, you should be able to find things fairly easily.

The first part of the bill deals with definitions. It's brief. There's really only one definition of particular note, and that's the definition of "farming business." The bill defines a farming business as a farming business within the meaning of the federal Income Tax Act. Under income tax rules, a farming business is one that is required to report income from farming. It can be various forms of business organizations, such as sole proprietorships, partnerships, corporations and so on. Whatever form of business organization the farmer's using for income tax purposes will be the one that will be relevant for the purposes of this bill.

The idea here is that this should make things easy for the farmer. He or she is used to reporting for income tax purposes on a certain basis, and we're hoping to mirror that so that there won't be undue confusion about different rules as to what constitutes a business entity.

The next part of the bill deals with the farming business registration form. Sections 2 and 3 of the bill deal with who has to file a registration form, what information is required and what the ministry can do with the information. The registration form is to be filed annually and the annual deadline for filing the form will be determined by regulation.

The only persons who will be required to file are those who carry on a farming business which has an annual gross income from farming of an amount to be prescribed, which we've all heard is \$7,000 or more.

Regardless of how many people are involved in the business, only one form is required to be filed for the business. The form must contain the name and address of the farming business, plus other information that will be prescribed, and you've already heard a little bit about what is planned there.

The ministry may use information gathered in the forms to develop policies and programs, to distribute information about the programs and to develop mailing lists for use by the ministry in distributing the informa-

tion. No other uses of the information may be made unless the use is authorized by regulation. As Rolly has said and as you've heard from the minister, registration information will be subject to the Freedom of Information and Protection of Privacy Act, which means that there are restrictions on the use and disclosure of personal information that is gathered through these forms.

The next portion of the bill deals with accredited farm organizations. Sections 4 through 10 cover who may apply for accreditation, the accreditation process and the concept of deemed accreditation.

Only a farm organization that is accredited under the act will be able to receive payments under the act.

The bill provides that any organization representing farmers in the province may apply for accreditation. Applications are made to the Farm Organizations Accreditation Tribunal, which, as you've heard, is a new independent tribunal that is set up under this bill.

1540

To qualify for accreditation, a farm organization must prove to the tribunal that it meets the criteria that will be set out in the regulations under the act. The tribunal will hold hearings when considering applications for accreditation. Once it is granted, accreditation will be in effect for three years. However, there is potential for a review of accreditation during that time if three members of the tribunal come to the view that a review is justified. In that event, the three members can ask the chairman to convene a hearing to review the organization's accreditation to measure whether the criteria are still being adhered to. If in fact the tribunal finds that the organization no longer meets the criteria, the tribunal has the power to suspend or revoke the accreditation.

At the expiry of three years, an accredited organization must obtain a renewal of its accreditation from the tribunal. Another hearing must be held to consider this renewal application.

This part also deals with deemed accreditation. Section 7 provides that three farm organizations are automatically accredited, starting at a time to be set in the regulation. These three, as you've heard, are the Christian Farmers Federation, the Ontario region of the National Farmers Union and the Ontario Federation of Agriculture. These three organizations are deemed accredited for a period of three years and no review can be conducted of their eligibility for accreditation during that time. After that, though, they will be subject to those criteria like everyone else.

The next portion of the bill deals with the eligible francophone organization.

Sections 11 through 19 deal with the special funding arrangements that are available for one francophone organization, which will be named in the regulations.

The organization will be eligible for special funding if it meets the conditions set out in the bill. The bill contains three conditions: first, that it serves the socioeconomic and cultural interests of francophone farmers; second, that it offers its services to farming businesses in the French language; and, third, that it meets the criteria to be contained in the regulations.

The origins and amount of the special funding are not set out in the bill. They will be provided by the accredited farm organizations and the ministry under an agreement. The regulations will name one organization as eligible for special funding. The eligibility will last for three years. After three years, that organization must obtain a renewal of eligibility from the tribunal and at that time it must demonstrate that it meets the conditions contained in section 11 of the act.

After the initial three years of eligibility have lapsed and the organization obtains a renewal, there is potential for a review of eligibility by the tribunal through a similar process to that already described in relation to accreditation of organizations. Only one francophone organization at a time can be eligible for special funding. If the original organization that is named in the regulation loses its eligibility, however, another organization may apply.

Next is registration. Section 20 contains the requirement for the farm business to make a payment. It provides that at the same time as the farming business registration form is filed, the persons carrying on the business must supply a cheque for a prescribed amount, which as you have heard is \$150, payable to an accredited organization. The ministry will advise farm businesses of which organizations are accredited beforehand, when the form is mailed out, so that farmers are aware of what the choices are.

When the ministry receives the completed form and the cheque, it will assign a registration number to the farming business and forward the cheque to the relevant accredited farm organization. The ministry will provide the accredited organizations with the name, address and registration number of those who provided the cheque. The accredited organizations are required to promptly refund the payment if requested by the farm business that made the payment.

Section 21 of the bill deals with religious objections. There is an exemption process provided for those who object to making the required payment on the basis of a religious belief. Individuals who so object may make application to the tribunal for an order that providing a cheque be waived. The tribunal will hold a hearing and, if satisfied that the religious belief is genuinely held, will grant that order.

Section 22 concerns program access. It states that only a person with a current registration number will be entitled to benefit from designated programs or subsidies from the ministry. A registration number is only

current until such time as the next annual statement is required to be filed. This is an incentive for compliance with the act.

The next portion deals with the Farm Organizations Accreditation Tribunal, which you've heard a bit about already. Section 23 sets up the tribunal. A maximum of seven members is provided for to be appointed by order in council. The tribunal has jurisdiction in three general areas: accreditation of farm organizations, which would include new applications, renewals and reviews; eligibility of francophone organizations for special funding—again, renewals, reviews and, in certain circumstances, new applications; and religiously based exemption applications.

The tribunal may conduct proceedings in panels of three or more members. If it so decides, it may have a couple of hearings going at once with panels of three so that matters could be expedited, if it thinks that's appropriate.

The decision of the tribunal is final, but it has the power to reconsider its own orders.

Finally, general portions of the bill deal with making regulations, which the Lieutenant Governor in Council is authorized to do under section 32. Under section 33, there is provision for the minister to review the act after three years have elapsed from the time it's come into force.

That is an overview of the content of the bill.

The Chair: Questions? We'll start with the opposition.

Mrs Fawcett: Just to make it clear now, the cheque to be made out will be made out to the farm organization. Then it goes to the ministry. The ministry doesn't do anything with the cheque except send it on. Right now, we have only the two farm organizations. Correct?

Mr Stroeter: Yes, if the bill is amended.

Mrs Fawcett: Right. Then, at that time, the farm organization will bank it?

Mr Stroeter: Yes.

Mrs Fawcett: Or can they put aside the cheques that can be refunded and then just send them back? Has that been decided yet?

Mr Stroeter: I have been advised by people who audit the books of these organizations that this is not an acceptable accounting practice. You cannot net out your revenues. You have to show that you actually received a payment and then go through the trouble of issuing a refund. To really get a clean audit clause from any professional firm, that will be required. They indeed have to have a negotiable instrument that they can actually run through their bank. If the bank accepts it, then they can turn around and issue a refund. On the surface it appears cumbersome, but it's a solid business

practice.

Mrs Fawcett: Have you any kind of guesstimate as to, as the registration forms come in, what sort of time lapse you think will take place? Will you send them out then? Will the ministry send the cheques to the farm organization as they come in or will it all go together by a certain date? Have you gone that far?

Mr Stroeter: Workload permitting, what we've tried to do is to process these registration forms as they come in, as quickly as possible. It is not in our interest to hang on to the cheques very long. However, the first time around, registering 50,000 businesses for the first time will be a very challenging task, particularly if we do it with existing staff. We have a challenge. We have well-qualified staff. I think what we need to do is find ways of making sure that the first time around we do this within acceptable time frames. I would suggest that we negotiate those with the general farm organizations and say, "What is an outside acceptable time frame?" and maybe, in our process of registering farmers, allow for a phasing in of registrations so not all of them arrive on the same day or in the same month.

Mr Cleary: As a bit of a follow-up on it, once the cheque is mailed to the farm organization from the ministry, it's up to that farm organization to distribute that 25% locally and the ministry will have nothing to do with that? That's strictly up to the farm organization?

Mr Stroeter: Yes. However, they have to provide an audited financial statement which has to clearly indicate the level of funding spent at, or distributed to, the local level. The auditors will have the obligation to verify that indeed at least 25% of the funds were directed to the local level.

1550

Mr Cleary: The next question there, getting back to the tribunal, that seven individuals will be picked. I'm just not too clear on how that's going to be done.

Mr Stroeter: Well, I guess as any members of any other bodies, government bodies, appointees are picked. There's a process of nominating people. Interest groups and lobby groups nominate individuals. The minister may put forward certain names. There's a legislative review process and these people are selected by—there clearly has to be a geographic representation and some gender representation, some linguistic representation. So when you have seven members, I think to have a balanced panel, the choices fall into place pretty simply. Then it's a matter of the minister picking the seven from the many nominees, I imagine, who are just most appropriate for this particular panel.

Mr Cleary: So these will be appointed by the minister.

Mr Stroeter: Yes, it will be an order-in-council appointment, and cabinet has to review and approve

those appointments.

Mr Cleary: Those are my questions. Thank you.

Mrs Fawcett: One more, please.

The Chair: Ms Fawcett.

Mrs Fawcett: If a farmer requests this money, the refund, back because he or she has the registration number, then they are still eligible for provincial programs.

Mr Stroeter: That's right. As long as they have filled out the registration information and have given us what appears to be a valid payment, then we issue them a number. Only in the case where, let's say, there are persistent attempts to cover a bad cheque that turns out NSF and the farm organization has tried repeatedly to clear this up, they then may decide to let us know by saying, "We couldn't collect on this," and then we have something to think about.

Mrs Fawcett: In fact, will the ministry know if the farmer has demanded his money refunded?

Mr Stroeter: Again, the audited financial statements that the farm organizations have to provide each year will list the number of refunds requested.

Mrs Fawcett: I see.

The Chair: Did you have something to add?

Hon Mr Buchanan: Yes. We will not be attempting to get them by name, though. We're not looking for the names of all the farmers who ask for refunds, but we will be looking simply at the amounts that were refunded so we can figure out the numbers. But we're not looking to target people by figuring out the names of people.

The Chair: Mr Villeneuve.

Mr Villeneuve: Thank you for your presentation. I think you have cleared the air, to some degree, for me. What will a quorum be on this maximum of seven? Is that left up to the legal people, the minister—

Ms Stratford: As I said, the panels of three can conduct hearings.

Mr Villeneuve: So that's a quorum.

Ms Stratford: Yes.

Mr Villeneuve: As far as duplication of forms and the completion of forms are concerned, bona fide farmers and farmers fill in many, many forms. Has there been discussion with either Revenue Canada, Statistics Canada or Agriculture Canada to see if indeed there is maybe a form that's in place now that has been palatable and could possibly fill the bill?

Mr Stroeter: As a matter of fact, there's probably a better legal answer here, but the freedom of information and protection of privacy legislation guarantees citizens that they have an idea what the information they provide various government departments is used for and, generally speaking, this use is quite restricted.

So there is the view: "I have given government this information before. Why do you have to ask me again?" Well, just because it's in this program over here doesn't mean we can access it from this program here. This can only be accessed with prior permission by the farmer plus various levels of government have different types of information and all of this is protected in its own data bank. So this is really for the citizens' protection, to make sure that the information isn't misused. Maybe it's not preferable to access it from all different areas and be able to build one giant profile anywhere in Ontario, so these are protective mechanisms.

I don't know if you have further comments, Louise.

Mr Villeneuve: The information will likely be released en bloc as per industry, nothing individual, but much as it has been done in the past. Would some of the information gathered here under the stable funding registration be subject to release en bloc, if you will?

Mr Stroeter: Release en bloc? I mean, it can be used in summary fashion as long as you cannot identify individual respondents. But again, we have to tell the farmers up front that we are going to plan to analyse this data and use it in that fashion. I think a key requirement is that people know what the information will be used for.

Mr Villeneuve: Statistics primarily, and you're going to have to establish, I believe, a minimum number of participants so that you could not pull out and identify—and I presume that might be 20 or 40 or 100, so that you don't have three big poultry producers with their information being submitted. It would be pretty easy to come out and say—well, I use poultry; there's probably a better example of very specialized types of crops where maybe there are only two or five large producers. You'd effectively be divulging information pretty specifically on them at that point. So you may well have to come up with a formula whereby, for statistics purposes, you don't have a group of producers below a specified number.

Decertification: NFU appears, for whatever reasons, and it will probably give us those tomorrow, to not want to participate. It's still fairly clean to do it. Down the road five or ten years, a certified or a recognized general farm organization, for whatever reasons, decides to go free of the system or dismantle. Have you a provision in place at all for that?

Mr Stroeter: Not in this bill, I don't think.

Ms Stratford: Do you mean an organization that is accredited that wishes to—

Mr Villeneuve: Decertify.

Ms Stratford: Of course, one easy way is to simply stop meeting some of the criteria and then they will no longer comply and they'll lose accreditation. But I think there would also be provision, in order to go on consent, for de-accreditation. The tribunal would have that

jurisdiction.

Mr Villeneuve: Who has access to funds that may be left over?

Ms Stratford: They would be divided up among whatever the organizations are. That organization would be removed from the list. Farmers would cease to direct payments to that group.

Mr Villeneuve: The fee will be set, I gather, at \$150 per farm operation. How do you visualize it will happen, and if it's frozen for three years, then you'll have to face it shortly after the end of the third year for any changes in the requirement for whatever reasons. Do you have in place or will you have in place the very precise mechanism that the general farm organizations will have to go through? Proof, I presume, would be one, proof that there is need. Has the money been—auditors, I'm sure, will be looking at it and I know these are organizations that have democratic elections and all the rest of it. Do you plan to maintain any sort of a guard dog situation on this?

Mr Stroeter: I think it's important in any new scheme where there's a potential of directing significant amounts of money to particular farm organizations that there are some safeguards. One of the safeguards here is that I think it will take two or three years to even find out what level of support this kind of funding system has. It might well take that time for farmers to really work this through in their own minds and decide, "Do I want to keep my money in or do I really use my protest vote and pull it out each year?"

I think the tradeoff here is for the farm organizations to potentially increase their membership. If that happens, then I think they probably will be very careful not to jeopardize that. So keeping a fee reasonable and affordable I think is probably very important. Again, there are probably tradeoffs between the number of members and a higher fee, and I would think the farm organizations would make their presentations to the minister and the minister would have to be convinced, I suppose, to take those regulation changes forward to cabinet.

1600

Mr Villeneuve: Okay. We sometimes try to compare. This is a creation of government, yet it will be arm's length from government. It will not be an agency, board or commission as we know them here at Queen's Park; it will be a different type of entity. As far as I can tell, the members of the executive of these GFOs will be democratically elected.

Would this, in your opinion, create a reasonable reason to bring this back to a committee of this Legislature as opposed to having a minister say, "Well, I think they're great people or I don't like them at all," or something in between?

Mr Stroeter: I refer that question to the minister. I

don't feel competent to answer that.

Mr Villeneuve: I think the minister pretty well told me in earlier questioning that he would be receptive to looking at this, and I don't want to put words in your mouth.

Hon Mr Buchanan: Mr Chair, if I might respond a little bit to one of the early questions, the quorum question which Louise answered in terms of a panel of three, I think we were referring to, there, particularly in terms of the religious objectors, and one of the reasons we want that is so that they can deal with these very quickly and we wouldn't have to have a full seven-member tribunal sit down to look at those. We believe that they could be handled very quickly.

I would like to add one comment, though. If we're talking about accrediting a new organization, it would certainly be my hope that we can get as many of the tribunal members there as possible if you're going to consider accrediting another—and I would mention that there are a couple of organizations I've met with that are interested. They are not asking to be brought in at this time, but they're asking for that option to be brought in in the future if they meet what the criteria are and no one has objected.

So I don't want to leave the impression that one panel of three might decide who was going to be the next accredited organization. I would hope we could have the full tribunal there because it will be representative of the province, hopefully, and we would give a full hearing to any organization that wants to come in.

Mr Villeneuve: Okay. I yield to my colleague here, Mr Chair, who has some verification he wants.

The Chair: Mr Jordan.

Mr Jordan: Thank you, Mr Chairman. Thank you, sir, for your time and contribution.

I'm going back again to this problem that's in my own riding, I'm not sure how far across the province. Supposing I send in my cheque for \$150 to be registered and I send a letter with it stating that I wish my money to be refunded. Does that actually happen then?

Mr Stroeter: I don't think we would take a piece of paper and take it away from your correspondence. I think as long as you have a cheque in there that is a negotiable instrument that we can pass on to the organization and you have a fully completed registration form there, we would register, issue you a number and send the package that you sent us on to the farm organization that you have chosen.

Mr Jordan: Would the customer consider the case closed as far as he or she is concerned, having sent that letter with his or her cheque?

Mr Stroeter: I don't know. We talked earlier about the startup phase and the fact that registering 50,000 farm businesses cannot be done overnight.

Mr Jordan: Yes, that's why they're asking me, if I might say that: "Why should my \$150 go through all this administration process if I tell you right off the bat, as I sent it in for registration only? And please refund at your earliest opportunity." So it doesn't have to go down through at 25% out to here and something else there.

Mr Stroeter: As I said, as long as you have a registration form that is complete, we will register you; we will issue you a number. If there's a cheque to one of the organizations for \$150 attached to it, if you also attach a request for refund, we will send that along with the cheque, but it's up to the farm organization to act on that. We are just a mailing house for the cheque and whatever else you give us.

Mr Jordan: So there is no policy with the farm organization and how they might deal with it?

Mr Stroeter: I think farm organizations will be advised by their accountants that they probably have to deposit all those cheques and issue refunds.

Mr Jordan: But as far as the customers having to indicate that they wish the refund, what I'm wondering is, is that—or is there going to be a place on the application where they can mark it to be a refund?

Mr Stroeter: I think farmers are required to write in to the farm organization directly.

Mr Jordan: At some later date?

Mr Stroeter: The appropriate date would be after the payment has been cashed and the transaction has been concluded. But if somebody includes a form up front, I can't see myself taking it out and putting it somewhere in the waste basket. I think I have no choice but to hand it on.

Mr Jordan: But we don't know whether they'll deal with it or not.

Mr Stroeter: Clearly, they can only deal with it after they've cashed the payment. Only then can they issue a refund.

Mr Jordan: The other part of my question or clarification relates to the statement that was made here today that the French organization concentrates more on education and other things and perhaps the other ones do not. Is it fair to say, if that is the case then, that this information is going to be shared between the groups so that if it's good for farming in Noble's riding it's good for farming in my riding? Do you know what I mean? If they have this concentration on certain education programs that they find very useful and viable to their unit and they're using funding to develop them, then surely it won't be contained within that unit, that all units would share in that.

Hon Mr Buchanan: I agree with the sentiment of your question. However, the people who pay the \$150 that goes to that organization, they're going to want the benefits of their money back to the membership. Most

benefits should go back to the members; then there are other benefits that are shared through media and other venues.

I would be a little reluctant to say you share, because one organization might have 2,000 members and the other one might have 52. The 2,000-member organization might be the one that's doing the most in terms of education, so over a period of time, other people are going to find that and they may shift their fee next year to the other organization. That's the way I would see it happening, as opposed to trying to guarantee that they must share their expertise or education.

Mr Villeneuve: Could you just clarify a little bit what's happening now? I gather the French-speaking Union des cultivateurs franco-ontariens, whatever, presently puts out a newspaper which I receive, and it's very interesting. They are being funded right now, I gather, by the OFA, or is it a separate funding, and what will happen after?

Mr Stroeter: I'm not sure. I defer to the deputy on the funding of the UCFO at this stage.

Hon Mr Buchanan: The government of Ontario has been supporting the publishing of that newspaper along with membership fees which cover a small part of it. But the government has been subsidizing that instrument heavily.

Mr Villeneuve: Is that going to continue or have we come to a point where the stable funding would be taking that over? Certainly you would expect that would be taken over probably after the three-year certification requirement. What do you foresee happening?

Hon Mr Buchanan: Let me do a very quick history lesson of this. Under the original bill with mandatory registration of all farmers, there was an agreement certainly between the OFA and the francophone organization that they were going to put substantial moneys, based on a windfall, I guess most people would agree, back to the francophone organization. Now that we're going to a refundable situation, certainly the OFA has said, "Just a minute now, whoa; we have no guarantee that we're going to receive money from all these farmers." They've obviously pulled back, and I've made a public announcement to that effect.

What we have done now is we've entered into negotiations with the farm organizations and with the francophone farmer. We are now going to continue to provide some support to the francophone organization because we don't expect the money's going to be there from the OFA in order to do it.

Mr Jordan: Who is "we"—the government?

Hon Mr Buchanan: The government of Ontario will sort of be a partner, but we will be getting some support from the OFA and the Christian Farmers' Federation of Ontario will be providing some of the money for the

francophone organization to make sure, but we are going to be a partner in that, as we have been supporting them in the past. Originally, it was going to be completely arm's length, funded by farm organizations, but they're reluctant to put money on the table, not knowing what the results will be.

1610

Our discussions have led us to the fact that if their memberships go up and their revenues go up, they pick up a larger share of it and the government share will be reduced. But there will be some sense for the francophone farm organization to know that it has a future, that it's not suddenly going to be cut off at some point because somebody makes an arbitrary decision. So we have sort of given them that assurance as part of this operation. So they will have funding, at this point, jointly.

Mr Villeneuve: I think that explains it; that explains it for me. I realize that it's still a grey area.

Mr Hansen: My question's a little bit along the same line as Mr Jordan's there. It has to do with cheques. A cheque is sent into the government to be transferred on to the farm organization. In the process, like we said, if the cheque looked good at the Ministry of Agriculture, it will send it on to the farm group, whichever it's directed towards. What happens if the cheque looks good but it's had a stop payment on—the number's been issued. Would the number be issued to the farmer? Let's say it's the OFA that receives the cheque. They process the cheque. It costs them \$10; they've got an NSF cheque, and they're stuck with \$10. The farmer's got his number. What are the safeguards involved in that, because it could be a cost to the farm organization also.

Mr Stroeter: Unfortunately, there is no easy safeguard for the banking charges that the farm organizations could incur. I understand that they have now banking charges that are quite considerable for bad cheques. They happen in every business, I take it.

In terms of the farm organizations, I think it's up to them to let us know if they have a persistent problem of non-payment with a particular party. A lot of bad cheques happen by genuine accident. If I write something out now and it takes the government, let's say, two months to register me and then suddenly, two months later, it comes out of my account, I might have already forgotten about this cheque that I wrote two months ago. So some of this might be quite accidental.

I think the farm organizations would want a chance to talk to their clients and find out, "Do you plan to issue a replacement cheque, or indeed did you go through the trouble of spending \$15 of your own money to put a stop payment on this cheque?" and then that's clearly a very strong message if that has happened. I would think that that is something that the farm organization has to work out.

The question that the government is asking itself is, what do we do to the registration number in such a case? We are considering a proposal whereby we would actually be able to recall the number. There are, however, alternatives. For example, as people apply to the farm tax rebate program the following fall and they don't have a valid registration number, they would find out that that would cause a problem at that end. So there is a consequence to not following the legislation for most people. The question is, will the consequence be here now or might it occur only six or seven months later when they try to take advantage of another ministry program?

Mr Hansen: I guess my next question—there's sort of an answer there but I thought it worked differently. Mr Jordan had asked about sending the slip in with the cheque, asking for a refund. I understood that it went through the whole process, that it went to the ministry, from the ministry through to be cashed by the farm group, and once it was cashed, then you would apply for a refund. I didn't realize a slip of paper would be sent through that way. I thought as soon as you became a member that, at that time, when you've been notified that everything had gone through, then you can apply for the rebate. Applying for the rebate before you even start is a little bit different from what I understood in the legislation, because I thought it was a regular form you had to fill out.

Ms Stratford: The bill doesn't specify at which point the refund request is made. It just says that when the farm organization receives a request, it is to issue a refund promptly. So I guess what we've said is, if someone's sent it in early along with the cheque, the ministry wouldn't, as a bureaucratic matter, send it back and say, "I'm sorry, this should come later." The ministry would send it in to the farm organization, which would wait until it was appropriate to consider a refund and at that time would be bound to do so promptly.

Mr Hansen: Okay, fine. Thank you.

Mr Klopp: Maybe it's a general question on the issue back to the commissioners, and I'd like to think we're a little bit concerned about that, just in case somehow commissioners would cancel a farm organization just arbitrarily, and I'd like to think that that isn't the intent. I guess, when it comes down to the accreditation, it's based on the criteria and I know that goes in the regs, but I just want to get on the record that this has been talked about many times and will continue to be talked about before the regs are written—and have this confirmed to me that those criteria are fairly clear that no commissioners, in this province anyway, would go out and cancel a farm organization on a whim or for whatever other reason. Is that clear? That is, this consultation has—

Ms Stratford: You mean the members of the

tribunal, I presume.

Mr Klopp: Yes.

Ms Stratford: That's right. The criteria will be quite specifically defined in the regulation, and the bill provides that as long as there is compliance with the criteria the tribunal wouldn't have the power to revoke, and if it did, that order would be subject to court review and would never stand. It's difficult to see how they would be able to justify a decision like that. Any type of review would take place at a full hearing and the organization that's subject to the review would be entitled to attend and fully explain all the matters.

Mr Klopp: Thank you. That was my only point.

The Chair: Thank you, Mr Klopp. Further questions? Mr Hope.

Mr Hope: Yes, I have a couple of questions I'd like on record. First of all, I was just wondering, and I don't know if it would go through legislative research—we're being asked to fund, and quite so, a lobbyist. I'm wondering, out of those organizations, how many full-time staff they have and salaries that are paid; revenues that are currently generated; expenditures over the last four years; the last four years involved in meetings with government, because I was taking off the briefing notes what was displayed there about financial hardship and I am concerned, so I would like to know what those records are. I wonder, through legislative research, how many other special interest groups in the province of Ontario we have special rights for under legislation.

I have some technical questions which I wish to ask. Under section 8 of the bill, and dealing with subsections 8(1) and 8(3), where no review can be done, it says, "An organization named in section 7 cannot be reviewed during the three years of deemed accreditation." I'm wondering, does that supersede subsection 8(1), "If a panel of at least three members...believes that the organization no longer qualifies..." or do you mean to tell me that the organizations cannot be reviewed during that three-year process?

Ms Stratford: That's right. Subsection (3) of section 8 would be an override of subsection (1) for those organizations in the first three years only.

Mr Hope: Okay. I wonder what the rules are of accreditation and if you have currently draft regulations, if you're going to be tabling them before the committee.

Mr Stroeter: We had a discussion about that early on and it was felt that tabling draft regulations would be inappropriate at this time. However, I think there have been public consultation documents out over the last year and a half that very clearly outline the accreditation criteria. It's a public document and I don't think the accreditation criteria change dramatically. There are a few numeric things that have been added, but generally speaking the basic principles of accreditation criteria are pretty well along the lines that were part of last year's

public consultation process.

Mr Hope: Just out of curiosity, dealing with the technical question of 8(1), why only three of approximately seven who can be appointed to this committee—you're using a minority which would bring something forward before a tribunal process. Why wouldn't you go 50 plus one, or a 50% ratio of a tribunal process?

Ms Stratford: This provision states that if three members of the tribunal think that a review is justified they can take it to the chair, who then has the discretion to call for the review. The chair could certainly canvass, and probably would, the other members to decide if a review was justified. The purpose of the three is to make sure that at least there's some screening process at the outset. It's possible that the tribunal may get various pieces of information to consider from various individuals and there should be some process, but ultimately the tribunal itself can decide that, as a policy matter, it won't hold reviews unless all the members are of a mind to do so.

Mr Hope: I take it you'll be amending the bill on paragraph 2 of section 7, on region 3. I take it you'll be amending that part of the bill?

The other question I have is dealing with subsection 23(5). I'm just curious how much they're going to be paid for remuneration. Expenses I can understand, but I'm wondering what remuneration fee you have in mind for that process.

Mr Stroeter: Normal government rates as published in the Manual of Administration for all government agencies of this type. Management Board actually determines those rates and says, "Okay, this tribunal gets this rate."

Mr Hope: Under section 24 of the bill, which refers—and I was listening to the minister's comments that you'd only use three members to deal with the religious part of it. I'm just wondering where that says that, only dealing with three. The way I read it, you put three no matter what you want to do.

Ms Stratford: The tribunal has the power to entertain hearings with just three members. What the minister was alluding to is that on complex matters or matters of some importance, no doubt the tribunal would choose to have a larger body present to have a hearing.

The Chair: Thank you, Mr Hope. Do you have an additional comment, Minister?

Hon Mr Buchanan: Yes. I'd like to respond, just a wee bit, to the first series of questions.

In the original meetings of the steering committee, a request for audited statements dealing with financial matters and dealing with membership was put by one of the organizations, that this should all be put on the table so that everybody was transparent and up front. Only two of the organizations were willing to put their audited financial statements in terms of staff and what

they did and membership numbers on the table. The third was not willing to put forward any statements of that nature. So the committee, in fact, did not have that data and did not deal with that financial or staffing matter because of the lack of consensus at the steering committee.

Mrs Fawcett: Is it possible to get copies of the report that was mentioned there as to the accreditation criteria?

The Chair: The deputy is indicating that can be the case, but certainly she's able to speak for herself and if she wants to do that, by all means.

Mr Hope: Mr Chair, I just started listening to what was being said there and there is no way that I am insinuating that somebody did or didn't; all I'm looking for is, I'm being asked, under a piece of legislation, to support an organization with funding and I do not know what the elements of cost are. Even if a new organization were to come on stream, I think that information is important, so I would just suggest that. I'm not insinuating that one organization or another—I'm just saying that in order for a proper analysis of the legislation it's important for me to know what the operating expenses are and the staff salaries and everything.

The Chair: Thank you, Mr Hope. Mr Klopp.

Mr Klopp: I think we have to realize that we're not deciding—this bill is only to allow people the right to organize in this province, and I'm surely one who's totally in favour of the right to organize and I don't

know why it's any of my business what a farm organization does or doesn't do. The criteria are there; it's a refundable program. I guess everybody has questions and we want to make them clear as possible, but I think on the surface this bill is quite transparent. It's really none of my business. If a farm organization wants to waste my money, I'll soon join another farm organization.

The Chair: Thank you, Mr Klopp. The purpose of the technical briefing is to indeed answer questions. We can get into the debate in the Legislature or in clause-by-clause.

If there are no further questions, I'd like to thank Rita Burak, the deputy minister, Rolly Stroeter, the director of the farm assistance programs branch, Louise Stratford, director of legal services, and—I'll take a stab at this—Dagny Ingolfssrud, solicitor for legal services, for your excellent briefing. I think you've done an excellent job in clarifying many, many points for the committee. On behalf of the whole committee, thank you very much.

It has been brought to my attention that the mineral water at the back of the committee room is imported from France, so perhaps when we're trying to deal with an agricultural bill in the province of Ontario we might be able to find some Clearly Canadian mineral water.

Having said that, the committee is adjourned until 11:00 am tomorrow morning. Thank you very much.

The committee adjourned at 1625.

CONTENTS

Monday 23 August 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42	R-29
Subcommittee report	R-29
Ministry of Agriculture and Food	R-30
Hon Elmer Buchanan, minister	
Rita Burak, deputy minister	
Rolly Stroeter, director, farm assistance programs branch	
Louise Stratford, director, legal services	

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Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway
Hansen, Ron (Lincoln ND) for Mr Waters
Perruzza, Anthony (Downsview ND) for Ms Murdock
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr Turnbull

Also taking part / Autres participants et participantes:

Haeck, Christel (St Catharines-Brock ND)
Hope, Randy R. (Chatham-Kent ND)
Lessard, Wayne (Windsor-Walkerville ND)

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Richmond, Jerry, research officer, Legislative Research Service

R-6



R-6

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Third Intersession, 35th Parliament

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Troisième intersession, 35^e législature

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(Hansard)**

Tuesday 24 August 1993

**Journal
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(Hansard)**

Mardi 24 août 1993

**Standing committee on
resources development**



**Comité permanent du
développement des ressources**

**Farm Registration
and Farm Organizations
Funding Act, 1993**

**Loi de 1993 sur l'inscription
des entreprises agricoles
et le financement
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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday 24 August 1993

The committee met at 1106 in the St Clair/Thames Room, Macdonald Block, Toronto.

FARM REGISTRATION AND
FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION
DES ENTREPRISES AGRICOLES
ET LE FINANCEMENT
DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Chair (Mr Bob Huget): Order. It's 1106. I will remind committee members that promptness in starting these hearings would be appreciated. I apologize to the witnesses for any delays. I'd like to welcome Mr Offer back to the committee and look forward to his active participation as usual in the affairs of the committee.

CHRISTIAN FARMERS FEDERATION
OF ONTARIO

The Chair: The first order of business this morning is a presentation by the Christian Farmers Federation of Ontario, if that group could come forward. If you will identify yourselves for the purposes of Hansard and after doing so, if you'd proceed with your presentation. You've been allocated one hour and the committee would appreciate at least half of that time for questions and answers. Go ahead at your convenience.

Mr Arend Streutker: Thank you for inviting us to this hearing. My name is Arend Streutker and I am president of Christian Farmers Federation. Beside me here is John Markus, who is our vice-president. Ann Haagsma is supposed to be here; she is not here yet but probably she will be later on.

We called our submission Towards Better Financed General Farm Organizations. First we will talk a bit about history. CFFO has a long-standing history of supporting the principle of a general farm organization fee. In 1969, CFFO opposed the proposal to create one general farm organization with a compulsory fee. Our reasons were: The 1969 proposal did not build on existing GFOs; it created a mandatory membership in one GFO; it assumed that existing groups would be dismantled.

CFFO supported the principle of a compulsory fee but called for three changes at that time: Build an

umbrella group on existing GFOs; create multiple choice: a farm family should have the right to support an organization of their choosing; include mandatory support for a GFO but no mandatory membership. CFFO was part of the 50,622 farmers who voted no in 1969.

In 1973, CFFO adopted a major policy position supporting an automatic checkoff. Throughout the 1970s this proposal saw only minor changes. The most significant one was the addition of a clause providing for religious conscientious objectors to redirect their checkoff to a charity. More recently a series of three funding proposals for GFOs have been abandoned.

In 1986, CFFO formed a joint checkoff committee with the Ontario Federation of Agriculture. Sid Sik-kema, then CFFO's vice-president and Jack Wilkinson, OFA's first vice-president were the first co-chairs of this joint effort.

The 1987 proposal for a checkoff from the property tax rebate was abandoned when the Minister of Agriculture and Food of the day did not support it. The joint committee developed an alternative proposal. In 1989, it proposed a checkoff from commodity returns. Consultations were held with the elected representatives of farmers in the commodity organizations. When it became clear that they were reluctant to see another checkoff added to their own sizable checkoffs, this proposal too was abandoned.

OFA then set up its own stable funding steering committee and invited one CFFO representative to attend its meetings. In 1990, this committee proposed the certification of only one general farm organization, a compulsory registration of farmers and a voluntary fee. CFFO's representative wrote a minority report and CFFO opposed this proposal. We are glad that it was abandoned when both political and farm organization leadership changed.

With all this history, it should not come as a surprise to anyone that CFFO supports the current proposal. It is multiple choice. Writing a cheque will be required but membership will be voluntary and refunds will be available. Religious conscientious objectors will be able to avoid contact with lobby groups. It builds on existing organizations.

This proposal meets all the basic principles for which CFFO has argued these past 25 years. It also includes all the basic concepts to which we agreed as full members of the stable funding steering committee during the past two years. We fully endorse Bill 42 and are eager to get on with making it work.

Rationale for stable funding for GFOs:

(1) The GFOs of Ontario need to be better funded. Two decades ago issues were local and provincial; today they are national, international and global. The list is huge: CUSTA, GATT, GRIP, NAFTA, NISA, second-generation supply management, VAISA. This cannot be done effectively with the modest budgets that GFOs have been able to patch together.

(2) We need better research internally in GFOs. Too often we have been dependent on the research done by OMAF or AgCanada. Too often we have not understood the full implications of farm policies and programs in western Canada. Their impact on our farm sector has become significant, but do we have the time or the ability to keep up with all the policy changes across the country? No. Take western grain transportation as an issue. A huge subsidy is involved, \$750 million each year; big enough to be flagged by Europe and the US as an export subsidy. But what is its impact on us in Ontario? It's been there for decades but only in the last 12 months have Ontario farm groups cobbled together some energy to assess its impact.

(3) Agricultural commodity organizations have become dramatically more effective during the past 15 years. How? Almost without exception, they have moved to a compulsory checkoff to fund their activities. GFOs have not been able to keep up. This puts us at serious risk within the Ontario farm community. If we, as GFOs, are not well informed or well researched, we pose a great risk of getting into a commodity group's hair without good cause. It has happened. We risk it happening more often.

(4) A new relationship is emerging between farm groups and governments. Governments no longer devise programs in city office complexes and then deliver them to the farm community. Programs are a joint effort of farm groups and governments. Increasingly, farm groups are delivering programs. The land stewardship program is the best example. That is the future. No more OMAF mothering agriculture. Farmers have become professionals. Family farmers are entrepreneurs and businessmen and women. The future shape and agenda of Ontario agriculture is ours to decide. It is time to make sure that GFOs can meet this challenge.

(5) There are others who have agendas for Ontario agriculture and for farm entrepreneurs. The Minister of Environment and Energy and his Environmental Bill of Rights; the Minister of Labour and his original plan to scrap agriculture's exemption from the Labour Relations Act; the Minister of Natural Resources and his plan for wildlife, for wetlands and for the Drainage Act. These are all challenges rushing at us and we are scrambling to stay on top of them all. We have responded with a farm environmental agenda, an agricultural labour relations act and other initiatives. But it is too much for current GFO resources.

(6) Our present resources could be better used. Too many of our resources are needed just to maintain our voluntary funding base. A funding system will free up those resources and allow us to redirect them to policy research and member services.

(7) The farm community is changing dramatically. We are but 2% of the population, feeding 10 million people and providing the base for 15% of the provincial economy. Farming has become a professional task. We now sort out our differences around conference tables and build effective coalitions to get important tasks done. The recent emergence of AGCare, the labour issues coordinating committee, the Ontario Farm Animal Council and the Ontario Farm Environmental Coalition are examples of the new reality in Ontario's farm community. Without improved funding, GFOs will not be able to participate effectively in these partnerships.

Does the funding system need a vote? We support a review after three years by a committee of members of this Legislature. That committee, in its report, should be asked to advise on the merits of a vote at that time. If a vote is considered appropriate in three years' time, farmers will be able to assess the funding system on both the concept and the actual functioning of the system. There would also be a voters list available at that time.

Farm business registration: OMAF needs to develop a better database on Ontario's farming community for effective policy development. We are confident that the aggregate data that will become available from this process will also assist us in policy development and planning services.

We have been part of drafting the farm operations statement that every farm business will be required to file with the Ontario Ministry of Agriculture and Food. The draft that was part of the June 1992 consultation document has the full support of the federation.

Eligibility criteria: CFFO regrets that the legal drafters decided to leave eligibility criteria for defining an accredited general farm organization to the regulations. These criteria will guarantee that Ontario farmers will have choices in general farm organizations in the long term. This is a key principle for us.

We fully support the criteria that have been agreed to in the stable funding steering committee. We will participate vigorously in the development of the regulations to ensure that a diversity of general farm organizations is enabled by the legislation.

We regret that the Ontario region of the National Farmers Union is withdrawing, as this will reduce the initial choices available.

Francophone farm group: CFFO is committed to do its share of providing funding for a francophone farm group.

Conscientious religious objectors: CFFO has consist-

ently insisted on a clause that will exempt conscientious religious objectors from any association with lobby groups. We believe the clause in the legislation will work well for individual objectors and for groups such as the Amish and Old Order Mennonites.

Program entitlement: We are pleased that OMAF is empowered by the legislation to limit access to designated programs to those who register.

1120

We realized that implementing program denial will need to be dealt with whenever a new or renewed program is put forward. We recognize that this approach will require a political decision to enforce farm organizations funding with each new or renewed program. We believe this is workable in the short term and accept it.

What will CFFO do with the stable funding money? Reduce our membership fee by \$150, expand support for activities of our district associations, expand support for farm coalitions, improve our staffing to support our farm policy research, develop an advisory service for transferring family farm assets to the next generation and establish a reserve fund for office relocation.

What will CFFO do for those farm businesses which choose to direct their stable funding to CFFO but are not members? Modify our constitution and bylaws to officially recognize stable funding supporters, offer to send stable funding supporters all the literature and information now prepared for members and extend all services now available to CFFO members to stable funding supporters. There will be no expectation of cost recovery unless the expectation exists for members.

Discussions have started on a major restructuring of CFFO's memberships and membership fees. The results of this discussion will have significant implications for stable funding supporters. See appendices 2 and 3 for details of these developments.

This is it. Added, we have some background and the financial statements which are here too, at the bottom of the package. Thank you.

The Chair: Thank you very much. Questions? You have approximately 15 minutes per caucus.

Mrs Joan M. Fawcett (Northumberland): Thank you for your very excellent presentation. You've certainly explained how you feel about the whole bill and I certainly can say that I'm in agreement with you on many of the items.

I'm just wondering, how does your organization collect your fees now? Is it by mailing or do you physically go out and knock on doors? How do you collect your fees?

Mr Streutker: I'd like to have it answered by our treasurer, Ann.

Mrs Ann Haagsma: For the existing members, a renewal notice is mailed in the beginning of the year. For new members, we have Martin Oldengarm, who

explains the organization to potential members and informs them. Then, if they so desire, they would take out a membership.

Mrs Fawcett: I see. Is it fairly costly for your administration? I notice your figures in the back here and I haven't had time to really look at them. What would be your administration costs now?

Mr John Markus: I'd like to respond that a little wee bit. I would say approximately half of our members have no problems, when the envelope goes out with the membership request in it, sending us the amount of money. But as you probably are well aware, in many circles there are always those who need a prodding to get that money brought in. That's where Martin Oldengarm spends most of his time, going around, because we have found that if we don't send somebody out prodding these individuals, the money never seems to come. His entire wage is, to a large extent, used to prod the other 300 in our organization to come forward. Of course, we have another policy: There are those individuals who can afford maybe the total amount and there are those who can afford to pay more than the total amount. That also becomes a consideration. When he goes out to have a visit, he has a chat with them, maybe possibly at the back door of the barn or around the kitchen table, and if they say they're having a tough time but they want to be a member in full standing and give him \$50, we will let them in at the present time because of their financial situation. The large chunk of his time is spent in that direction.

Mrs Fawcett: Then with the new bill you feel that he's going to be relieved of some of this time that he has to spend?

Mr Markus: He will be relieved, but I think it will be redirected in new energy, and the new energy will be in the form of going around to the districts and drumming up new support so that some of this money that's available through stable funding hopefully can be directed to the CFFO office. Instead of becoming a beggar, he becomes a promoter, if you want to put it in simple terms.

Mrs Fawcett: Yes. That's a better change, I would think. He might feel better about that.

I'm just wondering, Subsection 20(3) of the bill says, "The ministry shall promptly forward the cheques...." What is your interpretation of "promptly"? What kind of time line would you like to see there? Would you rather have seen in the bill an actual time rather than just the word "promptly"?

Mr Streutker: Mr Chairman, can I have the volume turned up a bit? I have a little bit of a hearing problem.

The Chair: Certainly, we'll do what we can.

Mr Streutker: I didn't hear the question.

Mrs Fawcett: In the bill, it says, "The ministry shall promptly forward the cheques...." I'm concerned about

that word "promptly." I'm wondering, should there have been a time limit—two weeks, a month, whatever—rather than just "promptly"? Would you rather have seen an actual time?

Mr Streutker: Yes, eventually that will come. But we know very well that at first they are overwhelmed by the stuff coming in to get this ready and done. But otherwise, when things are on stream, I would say a month or so, as soon as possible.

Mrs Fawcett: As soon as possible.

Mr Streutker: Or three weeks, whatever.

Mr Markus: I'd like to respond to that just a little wee bit more. You have to realize that OMAF has no financial interest in these cheques, because all it does is redirect them back to our offices. For them initially to say, "Okay, I'm going to hang on to these things for a month so I can collect x dollars of interest and then I'm going to forward"—there is no monetary value except the paperwork, which is going to take some time to set up. We feel that once the thing gets into place, it'll move fairly quickly.

Mrs Fawcett: If someone wants a refund, are you looking at or have you already got yourselves prepared for that administration?

Mr Streutker: We are working on that. A committee has been struck between OMAF and the organizations to set this up, computer-based or whatever, to have it done quickly, yes.

Mrs Fawcett: Thank you. I'll turn it over to my colleague.

Mr John C. Cleary (Cornwall): Thank you for your excellent presentation. I am pleased to see that you are supporting the bill. I have just a few things to add to what my colleague has already asked you. Do you feel that under the new legislation you will benefit a lot from increased membership?

Mr Streutker: We hope so. That is all we actually can say, of course. We don't know. But we do have good hopes, yes, that we will gain membership, especially from a lot of people who are not committed yet to an organization. We expect to draw from them. But we don't have any solid ground to base this on.

Mr Cleary: So you don't have a goal in mind, a number?

Mr Streutker: No.

Mr Cleary: The other thing that my colleague had mentioned, about the refunds, do you think that's going to be a big problem for an organization like yours, people asking for refunds?

Mr Streutker: You mean to pay back—

Mr Cleary: Yes, to pay it back.

Mr Streutker: —or do we have a lot of people asking back?

Mr Cleary: To pay back the \$150.

Mr Streutker: No, I don't think so. I wouldn't think so. As long as you don't spend the money before you have it, then you can pay it back. We will take care of that. That's one of our first worries, to make sure that this is not going to happen, that we don't have the money to pay it back.

Mr Markus: I'd like to respond now just a little wee bit. CFFO is most delighted that this refund legislation part has been interjected into Bill 42. In the past, we've always said there has to be a mechanism for those who are not desirous to be part of an organization so that they don't get it shoved down their throat. This has always been one of our stands and we are most pleased to see it in this particular bill, although we realize it's going to create some office time to redirect this money when it does come in. But we feel very strongly that this is a very positive thing in this particular bill so that we don't end up with these people feeling like they're being pressed into it.

At the same time, to have it completely voluntary and to send your \$150 whenever you desire or whenever you get the urge will probably never occur, because I know when bill time comes in our household, if they're due on the 20th, the cheques get written on the 18th, not the 14th. That's human nature. But I think if they have to take the effort to ask for a refund, if there's that little bit of effort involved there, that means they had to think about the situation, whether they're going to be for it or against it. At that point I think it's most generous that we return that if they have an objection to a particular farm organization.

1130

Mr Cleary: I have another question. I'm sure that the registration forms are a big issue to you people, the same as they are to all of us. Are you getting your input in? I understand they have a draft form now. It's been mailed out to x number of farmers, I hope. Apparently, it's not satisfactory. There's supposed to be a revised one. Are you people involved in that too?

Mr Streutker: Yes, I know. Some people from OMAF have been at our policy stewardship committee meeting. People there filled out the first form. In that way, we were involved. I assume that before that, to set up the whole thing, our committee was involved there too.

Mr Cleary: I think that's one of the holdups at the moment. I hope they would get that ironed out shortly, because my understanding is that January 1 is the date, and that's not too far away if things get dragging and laying around.

The other thing that you had mentioned in your brief was about a review after three years. Would you like to expand a little bit on just what you would like to see? I know you had said a committee of the Legislature.

Mr Streutker: If it shows that after three years

there's a lot of objection to this whole thing, to asking back the \$150, and to us it is clear that something has to be done and that has to be looked into, the whole thing, what is wrong or whatever, maybe eventually we might need a vote on it. But if it shows that the problem is not there, then okay, the opening is there to have a review, as is stated in here. That is what I think about it.

Mr Cleary: I know that it will be up to all parties to be involved in this, because anything you do, any change, it doesn't run real smoothly, but I think if everyone works together on it, most of the problems can get ironed out. As you said, in three years' time that might be the time to really give it a good looking over. My colleague wants to ask a question.

Mr Steven Offer (Mississauga North): Thank you for your presentation. I would like to talk about that part of your presentation that deals with the conscientious religious objectors. I see in your presentation that you are pleased with what is in the bill. I just want to get some clarification on this for my help. You say in your presentation that you're pleased with what's in the bill because it will exempt conscientious religious objectors from any association with lobby groups. Maybe I'm just reading this wrong, but when I read the brief provided by the ministry, it seems that section 21, or the religious objection clause, doesn't deal with being part or not part of an association. It says that in being part of an association you may not have to pay.

I'm going to be asking the ministry if it can provide some clarification. Your presentation says that the religious objector provisions in the bill are fine because, as you read them, they mean that if somebody, for their own purposes, does not wish to be part of, in your words, a lobby group, they, after following the procedure, don't have to be. When I read section 21 and the brief from the ministry, it doesn't talk about being or not being part of a lobby group. I think it still says you're part of a particular group; it's just that you don't have to submit a fee for that.

I'm wondering if your concern in your presentation is met by the provisions of the bill, and my question is, is it your position that the religious objectors standards in the bill should be broad enough to exempt anyone, after following a procedure, from both having to pay a fee and secondly being a member of any lobby group?

Mr Streutker: Well, as we see it, paying the fee does not necessarily make you a member of an organization. You can choose an organization to send your money to, but that does not automatically make you a member, anyway not in our organization, because you have to believe in our constitution and you have to sign a membership paper to become a member of the Christian Farmers organization. So that's one requirement. There are people among the Mennonites who don't object to paying the \$150 fee, but they don't want

to become a member of a lobby group. So those people pay their fee but are not necessarily members of—

Mr Offer: Then may I ask for clarification maybe also from the ministry. It seems that section 21 and the religious objection provisions only apply to the payment of a fee and not to the membership, and what you've said in your last response is that people don't really have, in certain cases, an objection to the payment of the fee; they have a concern with being part of a group. I'm wondering if section 21 actually does deal with that matter. When I read it I would like some clarification because I do not believe that it speaks to membership. The only thing that section 21 talks about is whether a membership cheque is or is not refundable.

The Chair: Thank you, Mr Offer. Your request for clarification is noted and I'm sure that the ministry will clarify that close to the end of today's proceedings, if that's acceptable to you.

Mr Offer: Well, it is certainly acceptable to me, but since we have the group right here and if they do have the response available, I think maybe they should be able to provide that right to the group.

The Chair: Yes. If they're willing to provide that now, that's fine.

Mr Paul Klopp (Huron): Yes, this is a nice lawyer technical question. I'll allow the deputy to clarify it, but I think we've got it covered. Deputy, could you—

Ms Rita Burak: Yes, as I understand your question, Mr Offer, you're concerned about whether or not the act compels people who might be religious objectors into becoming members of a farm organization, and that is not correct. You'll note that section 21 is in the section of the legislation entitled "Registration." Obviously the bill has a number of objectives and one objective is to attempt to register every farm business in Ontario.

The provision in section 21, and I can have our legal counsel expand on it, was put into the bill to go a step farther than that. Not only do we want to ensure that we're not compelling people to be members of farm organizations, but as a further accommodation to some, particularly in the Mennonite community, who had concerns about even writing a cheque to a farm organization, we wanted to save them from that difficulty and have tried to construct this section of the act so that they could go before the tribunal and explain in an expedited way that to even write a cheque would offend their principles.

Mr Offer: I understand section 21 in so far as it wholly focuses on the writing or not writing of a cheque, but the group before us has said there are individuals to whom that in fact is not the issue. The issue in terms of religious objector is not the writing of a cheque but rather belonging to an association, and I don't see section 21 as dealing with someone being able to come forward and say, "I want to make an objection

on a religious basis in terms of the belonging to a group."

Ms Burak: But neither will you find any other clause in the act which requires them to become a member of any farm organization. I was simply saying you won't find that anywhere because that is not the intent, and a step beyond that, a further protection beyond that for those who even find it troublesome to write a cheque: We're trying to make an additional accommodation with section 21.

The Chair: Thank you very much. Mr Villeneuve.

Mr Noble Villeneuve (S-D-G & East Grenville): The Christian Farmers Federation of Ontario, thank you for being here. You give a conclusive, thorough analysis of your thoughts. A copy of your membership application is most interesting to me. We're concerned with a user-friendly application fee and yours is very user-friendly. There's no gross income, there's no net income; there's simply a matter of a signature, name and address, lot and concession and, "You wish to support."

Give me your thoughts a little bit on, will this eliminate some members for you who—the gross income criterion right now is \$7,000. Are you comfortable with that?

Mr Markus: Yes, very much so.

1140

Mr Villeneuve: So that would not eliminate some people who may not be actively farming and yet are supporters of CFFO. Do you have those?

Mr Markus: We do have some retired farmers who maybe support it in a different direction through what we call the jubilee research foundation. At that point it becomes far more advantageous to support the research part of our wing because they can get 100% tax donation because they are no longer farmers. There are a fair number of retired farmers who have been active supporters over the years, through membership, who are no longer now members of CFFO but have decided to move their support into the research part because, since they don't have a farm income any more, that becomes a total donation. It goes into research. We have covered that in the way we've structured the organization.

Mr Villeneuve: This is internal to CFFO and has nothing to do with the GFO then, I gather.

Mr Markus: That's right.

Mr Villeneuve: And that's not interfering with that area. Have you had input to this point on the application form itself per se?

Mr Markus: Yes.

Mr Villeneuve: You're satisfied with what you see coming through and that when regulations are brought forth over and above Bill 42, the legislation itself, the regulations generally lay out the rules out. You're

satisfied that there's enough protection here that we won't wind up with surprises?

Mr Markus: I guess from a personal perspective, and I'm just talking on my own behalf, no matter how good you make legislation and no matter how thoroughly you go through a lot of this stuff, you never totally find out how it really works until you get it in the marketplace. I think you people as legislators find that out over time, that you have to readjust afterwards because you don't comprehend all the different angles coming at you. You give it what you think is your best.

We have changed this around many times in the past because the bill has changed as it has gone along. We feel that the bill has changed where we like it to be, but what I'm saying, to come down with concrete things, is that there may be some things that come out of these hearings again that we'll say we never thought about and we're going to have to change. It's still not cut in stone. I think that doesn't mean we can bury it, but I don't think we can cut it in stone either because as time moves forward, different things come forward that you have to adjust to.

Mr Villeneuve: Moving on, and again thank you for the support material in your presentation, your staff right now is comprised of five full-time people? Could you expand on that?

Mr Streutker: Not all full-time. Even Martin Oldengarm is not full-time. During the summer he is hardly working. Most of the time he is on so-called holidays because his salary is limited and, well, he is managing anyway.

Mr Villeneuve: How many full-time people do you have on staff?

Mr Streutker: I think three, one of whom is only paid \$6,000.

Mr Villeneuve: Okay. I notice from your income and expense statement that your expenditures—and I know you run a frugal, close operation almost 100% on budget, but your income fell short. Do you have explanations for that?

Mr Markus: I should maybe let the treasurer answer this. I stuck up my hand a little too quickly. Ann, do you want to answer that?

Mrs Haagsma: I think one of the problems was also last year. Most of us were aware that in the farm community there were some very severe financial problems, and so members didn't give their full membership and stayed on as members. So we're very aware; our fee structure is not cut in stone. If there is financial difficulty, a nominal fee will keep your membership status in good standing. We find very often that when these farmers get into a better financial situation, they will make up the difference, which we appreciate.

Mr Villeneuve: I noticed in your presentation that

you're suggesting your fee will be reduced from the \$425 plus taxes from last year down to \$150. Is that realistic?

Mr Streutker: No. It's down by \$150. We are setting up a whole new system, hopefully, which is not approved by members yet, so I don't know whether we will get there, to get the whole thing down to \$150 and even without saver funding; we would try to find other means to finance.

Mr Villeneuve: You've expressed your disappointment to the NFU asking for withdrawal whereby only two accredited GFOs will be in existence, if indeed this occurs, and I don't know what will happen. The accreditation for new organizations coming under the GFO umbrella, are you satisfied with the way it's set up now, the time frame required, the waiting period, the qualifications, or would you like to see some changes there?

Mr Streutker: No, we are quite satisfied with this because we realize that to be a bona fide farm organization, it takes quite a while before you get there. You cannot get off the ground, I would say, in half a year or a year. It took us I don't know how many years to get where we are now and also the other organizations, so if a new organization comes on stream and it wants to participate, it should prove that it is really worthwhile to be there.

Mr Villeneuve: Some of the questions that will be very difficult to answer—we've got many commodity organizations representing a very narrow group of their producers and their interests, of course, and then we have the broader groups, ie, Christian farmers, the OFA, the NFU and a number of other groups. There's a women's group as well.

The problem, as I see it, in attempting to represent such a diversified industry as agriculture is that what's good for you may not be good for the next guy, and we have to present some sort of a united front. As you mentioned, we're only 2% producers. You have qualified here that we present 15% to the economy, and that's, I think, if you pardon me using the word small-c conservative, a low figure. I think the overall thrust of agriculture in the production, in the requirements for production, ie, herbicides, fertilizers, equipment, fuel etc and then we go into the processing, the hauling of the product—the 15% is probably low and probably a figure of 20% might be more realistic, and it's a tremendously important ripple effect to the economy of the province.

We take food for granted, always. We assume it's going to be there in plentiful supply and in excellent quality and that's the way it is. However, you've mentioned that your income is down, as an organization representing farmers, because of the very difficult situation faced by farmers, especially in a year like last year where crops did not mature right because of temperatures, where prices were very depressed etc. With the additional funding, could you just kind of give

me an example or two as to where you could better represent the people you speak for and influence, I guess, governments and consumers as to the importance of the food producer?

Mr Streutker: For one thing, all the contacts we have with OMAF, we could expand on that thing if we could do more research. For example, we would like to dig into agricultural education much more and we probably would like to deal with some other things, but this cannot be done if we don't have research, because there is one man sitting there and that is quite elaborate to come up with something. It takes us ages, almost, to come up with something because there are too many things we have to deal with. Through this stable funding, we hope to get more income so we can employ more people to do the research, and from that I think we can serve our member farmers, our farmers in general in Ontario, much better than we do right now.

1150

Mr Villeneuve: I know part of your aim is the protection of farm land and, in so doing, the protection of farmers and farm families. It's not only income criteria. I know you go well beyond that into—it's a confessional organization, but maybe you could just touch on that.

Mr Streutker: There are so many, many more things. The Drainage Act is not for now, but even there, there are some important things we have to look at, because there is an environment, how does it connect. So we have to research all those things and that takes time and money. If the money is not there, we don't have the time either.

Mr Villeneuve: Right after this question, I'll yield to my colleague here from Lanark-Renfrew.

The tribunal will be made up of a maximum of seven members. Do you feel that this tribunal will satisfy the requirements as you see them from your perspective of an organization that is interested in farmers' welfare but also interested in the larger benefits of saving rural farm land and protecting a way of life? What are your thoughts about the tribunal and do you feel you will have sufficient input as a GFO member?

Mr Streutker: You mean to be a member of the tribunal?

Mr Villeneuve: Yes. It will be an appointment by the minister. What are your thoughts on that?

Mr Streutker: I expect the minister to ask us to come up with nominations. We'll try to come up with people who we think are able to function on this kind of tribunal.

Mr Villeneuve: Okay. I'll yield to my colleague from Lanark-Renfrew.

Mr Leo Jordan (Lanark-Renfrew): Thank you for your excellent presentation. Certainly, it's been enlightening to me. My colleague, as you know, is much

more versed on the subject than I am. However, on page 3, the eligibility criteria, you say you regret "that the legal drafters decided to leave eligibility criteria for defining an accredited general farm organization to the regulations." Could you enlarge on that?

Mr Streutker: I think if it would have been put in the bill, it would have been clearer what would be there. Now it still has to be defined, and as far as I know, the criteria are not defined yet, so it has to be worked on still.

Mr Jordan: What was the alternative, rather than leaving it up to regulations? What would have made you more pleased—by doing it what other way?

Mr Streutker: Maybe you can answer this one better, John.

Mr Markus: I'll try. I think what this thing hinges on, and this is one of the things we get caught in, is because we're not lawyers by profession. What we would have liked to have seen in the criteria is that it was farm-friendly. We had some eligibility criteria in the making and we struggled with them, and what we felt was that from where we stood, they were fairly favourable but did not necessarily pass the legal test and implications from a legal standpoint. That's where we tend to get just a little wee bit lost. It was: "How do you deal with that? You have to have a guarantee there. We'll have choices." We felt that those individual organizations had to have criteria, that it was worthwhile making them an organization. We had spelled out some criteria, what is a good farm organization, but not necessarily from the legal context. This is where I have to admit we're a little bit between and betwixt in where we're going, because we also realize and understand you have to have a legal document, because it is a bill of legislation.

That is one of the things that hopefully we can get resolved in a favourable way, but there is some difficulty there, because we also realize we just don't want every Tom, Dick and Harry to come into the government for stable funding just because they've got a good idea and they round up 50 people and come knocking on the door. At the same time, you have to leave it open enough that if there's a new group out there that's really doing an extraordinary job for the farm community, then I would say yes, after credibility has been built up, we have to open up the door to let them in. That's where the difficulty comes. I hope I've explained it somewhat.

Mr Jordan: Would you prefer to see it going in the other direction, that we would have an umbrella-type organization for the province recognizing all important groups rather than splitting it up?

Mr Markus: You can look at this in two particular ways, and I guess we look at it, because we're somewhat of a small group—let's just say that there was an

umbrella group of nine members, of which two of us were a part. The difficulty comes when the umbrella group becomes the sole representative of all the farm groups. Our individual concerns, our individual platforms or, for instance, our individual policy statements, if they were not friendly to the other seven sitting on this particular umbrella group, we would be getting outmanoeuvred every time and then you, as members of Parliament, would never really see the other side of the coin unless we make a private presentation.

We feel yes, there is a place of working together. We've seen this in the stable funding steering, we've seen it in Vision 2020, we've seen it in the labour committee, we've seen it in a lot of places, but when it comes to policy and direction then we feel an umbrella group could be a hindrance because you would be outmanoeuvred—legally; nothing wrong with it—because you have to accommodate everybody else's views and we felt that that would be a weakening of agriculture as a whole if you go in that direction.

Mr Klopp: Thank you very much for coming today to this hearing on the bill. Your history goes back a long time and one thing I've always found about your organization is that you've always been consistent. Not that I've always maybe agreed, but you've always been consistent and when you've changed your mind you've given it a lot of thought. On this particular issue, I must confess that you've got me convinced in many ways and I'm glad to see that we've come to a meeting of minds with a lot of farmers out there.

We've talked a lot about more money getting in and this kind of thing, but along with maybe people getting involved in the organizations, because there is now a little bit of a push with this type of legislation, is it your hope that they not just send their cheque but they get involved in your organization? Could you expand on that, or is that something that we seem to lose? I just want to know if that's what you're hoping happens too.

Mr Streutker: Yes, of course. We hope people who send their money do choose our organization, that they also will become a member, as a member participating in what we are doing, because that is what we need, our grass roots and our members to come up with the ideas that we have to work out and get to know what is going on in the farm community. As board members we are all farmers ourselves, but we still like to be better informed. That is our hope and wish and we will make it as easy as possible for everybody to become a member of the Christian Farmers organization.

Mr Klopp: Okay. I don't have any other questions. We take your comments to date and we're listening to them. There are some good remarks. I'll turn it over to my colleagues. Do you have any other questions?

Mr Ron Hansen (Lincoln): There are just a few questions I'd like to ask. You've got in here, "Reduce our membership by \$150 (presently \$425)." I thought

the amount was \$150. Now, if you're reducing it \$150, that would come up to about \$275.

You talked about membership. If you pay \$150 to the Christian Farmers, would "become a voting member" be a difference, or would I be able to be a voting member at paying \$150?

Now, I would have to sign another sheet that I agree with the principles of Christian farming. Could you explain that a little bit to me there?

Mr Streutker: This is something we are working on right now—

Mr Hansen: I heard you talking about you're working on it; okay.

Mr Streutker: I hate actually to elaborate and say something. Our membership doesn't know yet that this is in the executive board, but we are working on this and have some ideas and for \$150 you can be a full member if you want to sign. This is for the existing members on now and also the new ones. We are working on it.

Mr Hansen: I notice that with that \$150 I would pay in I would receive all the information and literature, but I would not be a full member in order to vote at a meeting or be elected to the executive then possibly.

Mr Streutker: It could be that some people don't agree with our constitution or what we are standing for and still will support us. They might have difficulty signing on the paper, so maybe we will create a possibility of becoming an associate member.

Mr Hansen: Do you have businesses that—let's say an implement dealer who doesn't have a farm but is actually a member of the Christian Farmers.

Mr Streutker: Yes.

Mr Hansen: He wouldn't be paying most likely the full rate in order to wind up being a member and still a voting member in your organization, so you would still have this other source of income, because you take a look that if your rates are \$425 and it drops down to \$150, there could be quite a loss of income.

1200

But taking a look at the area that I represent, like the Wellandport area, there's a lot of Christian Reform, Dutch Reform, in that particular area, who possibly feel the shelter of the milk marketing board and some of these other boards and have never joined the farm association. Do you feel that in these areas you'll be picking up membership?

Mr Streutker: Well, probably that is one of the bigger areas we will pick up people, yes.

Mr Hansen: In the Wellandport area, I believe there's, what, 10 or 12 members? With the 25% of the funds going into that particular area, would you make your districts bigger so that you could get a better program? Because if you have 10 or 12 members in that

particular area, if you're figuring out \$150 and take 25%, it's not very many dollars into 12 family farms.

Mr Streutker: This is something that they organized locally, not from the top down. We don't say, "Well, you need 20 or 10 members to become a local," or a district, or whatever you call it. No, that is done locally. They come together and when they want to form an organization in Wellandport, for example, that is fine. If they want to do in the next close town another one, we could advise them, but not tell them what to do.

Mr Hansen: I see, okay. The other thing is, just a last question here: If a farm is registered, then everyone who is in that family is a member? Now, that would only be a member as a membership in the Christian Farmers, because if you went the one step farther—so it would be only be the registered owners who are put on the ownership who would actually be through the stable funding, but to become a full-fledged member of your group, then every family member would be a voting member.

Interjection: That's right.

Mr Hansen: Just to bring out some different—I read a little bit in here. It's not in Hansard, but if anybody's reading Hansard, they can get these points.

Mr Markus: We're working on some different concepts, like you say, and all this thing about the membership in the locals and all this other type of thing, we're waiting somewhat to see what comes out of the wash with the legislation. We are becoming fairly comfortable with it.

At the same time, at the executive level, we spent a whole morning the other day with three of us dealing with how we're going to restructure membership. The idea basically is that first we'll see how our membership rolls in, because this \$150, we feel, will be much more attractive than \$425. Thereby, we hope to get some increased memberships, and thereby, hopefully, we can make a set of locals of 10 or 12 like you're talking about. Hopefully, we can get them up to 25 and 30. But we have to see these figures come in first and then maybe realign our areas to some degree. But to sit down here and say, "We're going to do this and we're going to do that," when we haven't got any memberships rolling in yet from stable funding I think would be a bit irresponsible on our part.

Mr Hansen: Okay.

Mr Markus: The idea is coming, but how we're going to do it exactly will depend somewhat on how this thing materializes down the road.

Mr Hansen: I know that the farms I'm talking about aren't members of any farm organization as it is now, so it's new memberships, actually, that are out there but have never been associated, that have never, I guess, come forward to join. So there could be quite a change in the number of members that remain members of your

organization there. Okay, thank you.

Mr Markus: I'd like to make a comment on membership which is somewhat outside, I guess, of our organization but I think is very much part of the stable funding, which I think is very, very healthy.

I think in the past—and we have a few townships too that donate money to Christian Farmers. But I think in the long haul the different commodity organizations, the different townships that have given money to different farm groups—in a way it was nice. There was money coming forward. But I think if stable funding comes to be and this problem can be eliminated, it would be very healthy for the farm community.

If, for instance—I'm just using that as an example—the Ontario Milk Marketing Board was to give us a \$10,000 grant, it would be very difficult for us as Christian Farmers to sit back and analyse the Ontario Milk Marketing Board and come up with a positive critique, because we have to be careful that we don't bite the hand that feeds us. I think one of the long-term objectives that is very positive in stable funding is that we unhook from some of these types of things in the farm community so that we can sit back without having a string attached to it and move forward.

Mr Hansen: Okay, thank you.

The Chair: Thank you very much. I would welcome Mr Hope to the committee, the member for Chatham-Kent, who is not a regular member of this committee but who I know has an interest in this bill. There are approximately two minutes of government time left, Mr Hope, if you have a question.

Mr Randy R. Hope (Chatham-Kent): Well, I have a question, not to the presenters. Unfortunately, I didn't listen to the presentation so it's not appropriate for me to make comment even though I've had an opportunity to glance at this. But there are some concerns that I wish to address to the ministry in asking for information.

Yesterday during the presentation, we were told about meetings and policy meetings that the farm organizations have been involved in over the number of years. I'm wondering, through you to the ministry officials, about information pertaining to moneys that have been paid to farm organizations in support of their efforts in helping us establish policies. So I was wondering if there could be a financial statement report.

I notice the Environmental Bill of Rights and labour relations stuff, and any financial assistance that has been given to the farm organizations from the provincial coffers—I was wondering if for the last four years that information could be provided.

The Chair: The request is noted.

Mr Klopp: We will see what we can do. Did you say four years?

Mr Hope: Yes.

Mr Klopp: Any particular reason for four?

Mr Hope: Because it's consistent with what I said last night.

Mr Klopp: Okay. We'll see what we can do. Appreciate that we're not going to spend great amounts of money trying to find—but we'll dig stuff up. I think we can find something. It's all for the record. I'm sure in our budget nobody usually checks things through with a fine tooth comb when doing budget reviews.

The Chair: I'd like to thank the Christian Farmers Federation of Ontario and each of you for taking the time to present here this morning. Each of you individually and your group have made a valuable contribution to the process. We trust that you will stay in touch with the committee either through the clerk or any member of the committee as this bill proceeds through the process.

I notice in your presentation that you have a line on page 2 that I find interesting. It says, "Governments no longer devise programs in city office complexes and then deliver them to the farm community." I wish that were more true. Thank you very much for your presentation.

We'll recess till 2 pm.

The committee recessed from 1207 to 1402.

NATIONAL FARMERS UNION

The Chair: I call the committee to order. The next scheduled presenter is the National Farmers Union. I see you've taken your place there and if you can identify yourselves for the purposes of Hansard and then proceed with your presentation. Your group has been allocated a one-hour time slot to make your presentation, and the committee would appreciate at least half of that for questions and answers.

Mr Perry Pearce: Thank you, Chairman Bob. I'm Perry Pearce of the National Farmers Union. Beside me is Joe Dama and, with some luck, Rick Munroe will be joining us if the public transit system of Toronto does not fail us and he gets lost in this concrete jungle. The committee has before it two pieces of paper. One is the prepared speech that I'm going to present to you today and the one with the pink cover is the supporting document that goes along with it. With that, I will begin.

On behalf of the National Farmers Union, we appreciate this opportunity to present our position on the Farm Registration and Farm Organizations Funding Act, Bill 42.

I, Perry Pearce, national board member, will be speaking on behalf of region 3, which is Ontario, as well as the national board of the National Farmers Union. With me today is Joe Dama, who is district 6 director, and Rick Munroe is a local member. Ah, just in time, Rick. Perfect timing; we're just getting started.

Mr Rick Munroe: Sorry I'm late.

Mr Pearce: If you'll excuse me for a second, I'll get my latest member organized.

Before you, we have prepared a supporting document for our presentation today. It should be understood that our comments refer to Bills 105 and 142, which to us are the same and have the same basic intent.

When preparing for this I asked myself, "What is the purpose of this hearing?" I concluded that our purpose is to achieve democracy. In Patrick Watson's book entitled *The Struggle for Democracy* I found a quote which to me explains democracy. It states:

"And so the rule of the blood clans was over. The rule of the hereditary kings was over. The rule of the usurpers was over. The rule of the gifted tyrants was over. Democracy was finally born."

In looking over Bill 42, I have grave concerns whether or not democracy is being served. In my opinion, there are some blood clans and gifted tyrants involved in Bill 42.

The history of the stable funding issue is outlined in a document that I've supplied to you. I wish to highlight some of these items, beginning with—and I don't want you to leaf through them, because the text is covered here—the first letter, which was to the Honourable Jack Riddell in April 1988 from R.A. Briscoe, region 3 coordinator.

The first point made in this letter is that the Ontario Federation of Agriculture has been the driving force behind this legislation. After 20 years of strong membership recruiting, they have only had one third of the Ontario farmers supporting them. The whole purpose of this legislation would be to coerce or manipulate farmers into funding an organization they have already rejected.

Farmers resent the fact that the OFA has underground means of coercing funds from them, for example, municipal mill rate levies, direct county grants, commodity groups etc. This funding is not an issue the OFA wishes to discuss in Bill 42 if it's implemented.

The letter to Riddell also points out what happens time and time again with checkoffs, and there are seven points:

- (1) Refundable checkoff for a small amount.
- (2) The amount of the checkoff is increased.
- (3) Organizational policies favour the minority.
- (4) Farmers start to observe organization.
- (5) Requests for refunds increase.
- (6) This one is important: Organizations ask for non-refundable checkoff.

(7) Farmers start supporting rival farm organizations on a voluntary basis, which puts us back to square one.

Another item in our document is a letter to Premier Rae, dated November 20, 1990, from John Dowling, region 3 coordinator. In this letter he points out that the

OFA admits to only having 29% of Ontario farmers and that it is its desire to become the single general farm organization in Ontario.

Mr Dowling's letter also states why Ontario farmers are in the mess they are today, and I quote from his letter.

"The OFA has enjoyed 50 years of Conservative, Liberal support. The system that the OFA is presently being financed by is the product of this support. This support is the fragmentation and dilution of farm leadership to the point that except for supply-management marketing boards, the other farm industries are in their death throes.

"It is this scenario we (family farmers) are facing and yet we are being forced to react to the OFA agenda.

"The exploitation of agricultural lands by developers and the takeover of these lands by wealthy urban dwellers have come to serve as the only retirement fund for senior farmers.

"This process has denied these farmers' sons"—and I should add "daughters"—"the opportunity to farm because of inadequate returns. We have lost most of our prospective middle-aged and young farmers already.

"It is the legacy of neo-conservative OFA leadership that has presided over the demise of Ontario's agriculture.

"Why would any NDP government perpetuate this useless system? To read the OFA as the farm-majority-supported organization is to deny the 71% a voice."

To give you an indication of the state of Ontario agriculture, I want to draw your attention to a submission to the Ontario provincial government dated November 25, 1992. Under the section "Increased Reliance on Off-Farm Income," figures obtained from the Ontario government tax filer figures reveal that the average net income for almost 115,000 Ontario residents submitting information on on-farm and off-farm income was as follows: average net farm income, \$2,389; average off-farm income, just over \$30,000. I think that says a lot for the state of Ontario agriculture today.

If farmers were able to earn a living from farming, these off-farm jobs would then be available to unemployed Ontarians. The federated system pits farmer against farmer and the OFA élite have prospered under this system and strongly desire more of the same.

1410

In my quest to show how the gifted tyrants and blood clans have operated, I will refer you to a letter dated November 22, 1991, written by John Langlois, an NFU negotiator reporting to our regional coordinator about a stable funding meeting held in Milton, at which I also was present. Key issues with regard to stable funding which we wished to discuss were not included on the agenda, namely, other funding sources—municipal tax levies, county grants etc.—autonomy of county feder-

ations and affiliation with commodity organizations. We had also requested an independent chair.

I'm taking directly from John's letter. John's report says the following:

"When the meeting began, Aukema (CFFO president) was apparently the chair. I don't really know how that was decided. I immediately noted that three items offered by the NFU were not on the agenda and while this was fine for this meeting, I wanted a time noted when they would be on the agenda.

"Roger George (OFA president) and Carl Sulliman (OFA staff) were emphatic that these were internal matters and not negotiable. I suggested that while the OFA considered them internal matters, we did not, impacting as they did on most Ontario farmers.

"Jack from the CCFO said that OFA and CFFO had cooperated for years to get stable funding and the NFU had refused to participate in discussions until Buchanan invited us to be part of the process. He expressed that in his opinion 'Buchanan will proceed without the NFU.'"

John goes on to explain that "after the OFA suggested that they were this close from leaving the meeting, Henry Aukema, in true arrogant form, suggested that unless we were prepared to drop these items, we should be the ones to leave and not bother coming back. I responded that while I was always appreciative of his comments, I took exception to the threatening nature of his remarks."

Carl Sulliman suggested that the OFA had spent over \$100,000 to date on stable funding and had no intentions of dropping it now. When asked by Roger George, OFA, if these were make-or-break issues, I, Perry Pearce, replied yes. After a five-minute break, we agreed to leave in protest since our issues would not be addressed now or in the future. As far as I know, these issues have not yet, to today's date, been addressed. We were even asked by the tyrants' leader, Roger George, to put in writing that we would never raise these issues again.

Other concerns are that the county federations are not bound by provincial OFA decisions and we could therefore actually have 36 farm organizations instead of one GFO known as the OFA.

The OFA also seems to have a stranglehold on commodity boards. Our perception of their relationship is as follows: financially, a large number of commodity boards support the OFA in return for representation on their behalf at various government functions. In addition, it seems that whenever farmers have a problem or idea which they bring up to the boards to better the situation for agriculture, the OFA always intervenes, not addressing the situation, just burying it in red tape. They seem not only happy with the status quo but ensure nothing changes. However, things are changing for the

worse out there. Evidence of this has been experienced by myself in trying to organize farmers to promote marketing boards, to have more power with our commodities. It seems the OFA is always there to make sure farmers don't get ahead.

Our document also includes correspondence from OMAF, which continuously ignores our concerns. In most cases, we were given last-minute notice of meetings, including the announcement of Bill 42, which we were usually unable to attend, given the short notice. The OFA and CFFO always seem to be at the minister's footsteps. I question if that was so that the tyrants and blood clans could give their stamp of approval to the proposals. It appears that one farm group's mandate has become the minister's, regardless of what the majority of farmers may want.

The concerns that need to be addressed: In Bill 42, the tribunal has the power to give or take away accreditation from a farm organization. Two groups are grandfathered. We have withdrawn, so you have the OFA and the CFFO. For the record, I wish to state that the CFFO has certain religious beliefs and values contrary to the charter of human rights. Who will ensure no rights are violated? There's nothing spelled out in the tribunal on this issue.

Religious convictions, a rule for exemption: How will the tribunal deal with this question when guidelines are not set? We're asking the tribunal here to play God in deciding whose religious values have merit and whose don't. Can any group be given such a power? Whose mandate will prevail? Grass-roots farmers or a general farm organization?

The NFU position: We were invited to participate in the process to develop a scheme of stable funding for farm organizations. We accepted this challenge to ensure democracy for farmers, knowing the OFA's battle to implement a system to fund its own bureaucratic network. Several attempts on our part to instill a democratic process have been hijacked. Every mention of a vote has been denied. We insist on a vote. Only one third of the farmers currently belong to a farm organization. Membership should be voluntarily based on the GFO's worth, not coercion. We will not assist this government in imposing this scheme on farmers.

The NFU wants no part of a money grab from farmers. Dissenting farmers are still faced with the problem of coming up with \$150 of their hard-earned money, then having to request a refund and waiting to receive it. Nowhere do we see where this time line is outlined. We don't know if this is 30 days, 90 days or 135 days.

We fear that a small minority of farmers who want to force all farmers to send money their way will persist in their efforts and the refund mechanism will eventually be eliminated. We strongly object to the plain denial of access to certain farm programs, including the farm tax

rebate, which is simply a return of taxes farmers should not have paid in the first place.

The authors of Bill 105—and Bill 42—deliberately wrote it in such a discriminatory manner as to ensure only a few GFOs qualify. Exclusion rather than inclusion was their motto. We would have had to drastically change our structure from a national to a provincial organization to comply. In this day of globalization, why is the provincial government trying to ruin national cooperation among farmers? This bill actually entrenches barriers among provinces, which is contrary to the ministers' agreement on eliminating provincial trade barriers.

1420

In our participation we have tried to present these concerns. It was very evident throughout the whole process that the agenda and process were set by the OFA. We are sorry to say that our perseverance to have a democratic process for farmers on this issue has not yet prevailed.

It was at our annual regional convention that our membership decided to withdraw our name as one of the GFOs named in Bill 42. This decision was based on matters of principle and practicality. We had previously agreed to stay involved in the process until such time that it became impossible. That time has come; hence our recent action.

In conclusion, I want to state the facts as I see them. Based on my earlier quote by Patrick Watson, I see the gifted tyrants as the OFA, which will receive the ultimate cash cow and the power of rural Ontario; the CFFO as the blood clan which has a little family that will provide programs to their own; Elmer Buchanan as a hereditary king who will just be a figurehead with no real power; and the elected members of the House as the usurpers using force to seize and hold power. OMAF will become the servant not of grass-roots farmers but of tyrants and clans.

There is, however, still an opportunity for democracy. I recommend to the committee to take it upon yourselves to change the word "may" to "will" in section 33. If nothing else, do that small feat.

In closing, we wish to advise that we have requested that the minister amend Bill 42 to withdraw the NFU as one of the grandfathered GFOs. To date we have not heard anything from the minister or any acknowledgment from him regarding our request.

With that, I thank you for your time and consideration and open it up to questions.

Mr Cleary: I'd like to thank you gentlemen for coming before the committee. I know you have made your views known. I guess, from what we hear, it's a done deal: You're out. There's no way of reconsidering?

Mr Pearce: Are you asking me that?

Mr Cleary: Yes.

Mr Pearce: What would it take to reconsider?

Mr Cleary: Yes.

Mr Pearce: First a vote, because there's no way I am going to recommend to our organization, as a small minority in this province, to endorse a program that affects everybody. The second issue that would have to be addressed would be the power of the tribunal and the mandate it has. It's a very, very powerful body and it's left wide open. We have great concerns over that tribunal.

This government today may have the best intentions, but what about the intentions five years down the road, 10 years down the road? Change the appointments of that tribunal and you can change the direction of that tribunal totally.

Mr Cleary: Have you had any input into this proposed form that has to be filled out by all farmers? Have you had input into that?

Mr Pearce: Haven't seen it.

Mr Cleary: There are very few who have. We've been trying to get a look at one for some time now and we haven't had any opportunity yet.

Mr Pearce: I guess you're in the same boat as we are then, John.

Mr Cleary: I don't have many more questions. I'm just sorry that things fell apart the way they did. Maybe at a later date you'll reconsider. I've heard your concerns before, not from you but from other members of your organization and other farmers. I think it's a time when agricultural people have to stick together, one way or another. I'm just sorry that this happened. That's the end of my questions.

Mrs Fawcett: I too want to thank you for coming. I think this is one very good reason why these hearings should be taking place. I know that on July 21 there were certain people who wanted to just ram this through on third reading, but I guess our party felt that this was not really what we believe democracy to be and that people like your group should have a chance to voice their opinions.

I notice that in one of your statements you said you really didn't have an opportunity for consultation. Yet I know that the meetings were going on and that there seemed to be some confusion around whether or not you were invited to the meetings and then walked out and so on. I just wondered. You really felt that you didn't have a chance to really consult or be consulted and have input into the stable funding bill? Am I correct in that assumption?

Mr Pearce: Let's clarify which meetings.

Mrs Fawcett: On the stable funding bill.

Mr Pearce: The development meetings?

Mrs Fawcett: Yes.

Mr Pearce: In our opinion, the problem with the

development meetings was that it seemed like it was always three against one, with OMAF usually siding with OFA and Christian Farmers, and usually the agenda was designed and written without consulting us. And at some meetings we didn't have an agenda until we got to it.

Mrs Fawcett: It sounds like it was more confrontational, your association, which is unfortunate. I can't imagine that was really something—

Mr Pearce: Useful?

Mrs Fawcett: Certainly that kind of meeting is never useful. But I am surprised that the ministry would not try to consult with everyone who has an interest. All farmers have an interest and I think we all want the best for the general farm group.

I notice too that in your language you refer to the "blackmail of linking the denial of access to farm programs to compliance." That's not my reading of the bill. The registration number is the thing that will allow you access to the farm programs that the ministry would run. I'm having trouble with your interpretation of the bill.

Mr Pearce: Our interpretation is that, first of all, the farm tax rebate is an unfair tax, has been for years. Various governments, including your own, have seen fit to rebate percentages back. Why is that being tied to stable funding now? That's a question that begs to be answered. Why is it being attached? You will not have access, as we understand it, as you go through the registering process, which means writing the cheque, but the key question is, if I want a refund, when do I get that cheque back? Do I get it back in 30 days? Do I get it back after somebody's field staff comes out and visits me and tries to convince me several times that I'm really holding up process and I should be a nice guy and give it back? When does this money come back to me as a citizen?

Mrs Fawcett: I asked that question this morning of the Christian Farmers. That word "promptly" is in the bill. Would you have preferred to see a time line there?

Mr Pearce: Everybody else has to have days. Banks operate on a number of days, and credit unions. It should be a number of days.

Mrs Fawcett: Again, maybe we would require some clarification from the ministry around what your thoughts are as to the farm tax rebate and the registration and stable funding. It's my belief that you get your number, you can receive your money back so that you do not have to belong to a specific organization and then you have access to all of the programs.

Mr Pearce: I could live with that principle providing you can guarantee me how down the road that will not be changed to non-refundable.

Mrs Fawcett: I see.

Mr Pearce: That's the other grave concern we have.

Mrs Fawcett: All right.

Mr Pearce: Which may not reflect anybody's intent in this room, but things change over time.

Mrs Fawcett: Right. I guess we all hope everybody is dealing with the best of intentions, and yet sometimes it's hard to include all of that in legalese form in a bill. I guess that's why we have elections, so that every so often things can change.

Mr Offer: do you have a question?

1430

Mr Offer: Actually, on the point raised dealing with the issue of "shall promptly forward the cheques," that is, I think, fairly strange language for a piece of legislation when one is talking about money. That's what we're talking about; we're talking about somebody giving money to someone else and saying to the other person that they should promptly give the money back.

I'm wondering, since the point has been brought up and there are just reams of other pieces of legislation where the refunding of dollars is put in a specific time frame—five banking days, two weeks—whether the parliamentary assistant and/or staff from the ministry are looking at this fairly clear-cut issue.

Mr Klopp: We're working on it. That's what we talked about in regulations in the bill here. We're looking at tightening, as we say "pay promptly back" in the bill. Regulations can stipulate days. There have been ongoing discussions. That's why we're here right now, to hear what people have to say, and we're listening.

Mr Offer: I guess the point is that that shouldn't be by regulation, that you should be looking at legislative change by taking out the word "promptly" and putting in a specific set of days so that if there's going to be any change—and there is some concern about changes years down the line—any change would have to go through this type of a legislative process. It's no guarantee that changes won't take place, but it is a guarantee that if they take place, they've got to go through a process such as this.

I'm wondering if the parliamentary assistant has looked at that.

Mr Klopp: As I stated, that's why we're here, to listen to ideas, and that's why I'm taking down the notes.

Mr Offer: That's pretty close to a commitment.

Mr Pearce: We certainly support that concept.

Mrs Fawcett: Hearings can be useful.

Mr Pearce: For sure. That's why we're here.

Mr Klopp: They've been going on a long time.

The Chair: Further questions, Ms Fawcett, Mr Cleary or Mr Offer? Mr Villeneuve.

Mr Villeneuve: To the NFU, thank you very much for being here. There's some bad blood between you and the other organizations. Has this always been the

way, or did it just start with stable funding negotiations?

Mr Pearce: I think you'd have to ask them more so than me or us. The NFU has always been very principled and very upfront and forward. Sometimes other groups don't appreciate that way of doing business. We've said all the way along that we thought stable funding was a bad deal. We've tried to work within the process, and that's why we're walking away from it today. As far as being bad blood, I wouldn't say that. We're just trying to state the facts as we see them today.

Mr Villeneuve: The NFU and CFFO and OFA have been representing farmers for a long time. I always thought that you each went about your own business and not attacking one another. There are pretty serious attacks in this presentation of yours. Has this worsened the situation?

Mr Pearce: I think it has brought many issues into focus. As far as bad blood, I think this is pretty mild to what I see go on in the House.

The Chair: You're well advised not to follow our example sometimes.

Mr Villeneuve: Well said.

Will you, as a farmer, register?

Mr Pearce: Yes.

Mr Villeneuve: Will most of the NFU members, as farmers, register?

Mr Pearce: I think so.

Mr Villeneuve: And ask for a reimbursement.

Mr Pearce: I certainly will.

Mr Villeneuve: Now, with your suggestion to section 33, where "the minister may" should not be "may," but "must" or "will," would you not prefer that this maybe go to a committee of the Legislature, whoever might form a committee three years down the road, as opposed to going to an individual, where you would have the opportunity to return and say, "Look, we've looked at this. It's not working at all and should be completely done away with," or, "Yes, maybe we're thinking of becoming accredited now that we've seen it work for a little while"? Would you not prefer this to having the minister be the sole arbitrator here?

Mr Pearce: I'm a little confused on the question. The wording is to deal with the issue of a vote, not accreditation.

Mr Villeneuve: As I read it here, "After three years have elapsed since the coming into force of this act, the minister may have a review of the act to determine whether it is advisable that the act continue in force." It doesn't say "vote," and I don't read "vote" between the lines there. That's what it says and that's what you're asking us to amend. I have no problem in amending that, but I think maybe we can do better.

Mr Pearce: I understand your question much better.

I think you're right that probably, yes, it should be a committee, maybe such as this, that allows equal opportunity for all parties and for the farming public to comment on that review and not a select handful.

Mr Villeneuve: Who have been served or possibly harmed with what is about to occur in Bill 42.

Mr Pearce: Right.

Mr Villeneuve: Who votes? You want a vote now. Who votes?

Mr Pearce: If I had to vote?

Mr Villeneuve: Yes.

Mr Pearce: I would send out a ballot to everybody who gets a farm tax rebate. It's not perfect—

Mr Villeneuve: No, it sure isn't. I happen to own three parcels of land and I get three little cheques. Would I have three votes?

Mr Pearce: As it stands, yes, if I was doing it.

Mr Villeneuve: That's democratic?

Mr Pearce: It's better than what we've got.

The Chair: Further questions? Mr Jordan.

Mr Jordan: I don't really have further questions, but I'd like to thank you for coming forward and giving us your feelings on this. I would like to see you give it further thought as to—your main differences seem to be between the organizations rather than with the bill.

Mr Pearce: No. Can I speak to that? In many ways, we feel that we've been prostituted by the minister. I think if you re-read the text of second reading, he says something along the line that he has full support of the three GFOs. No, he doesn't have full support.

Mr Jordan: Did he not have it at that time?

Mr Pearce: He did not have it at that time and he doesn't have it today. We were still working on the issue and I think, in all fairness, we felt that was very misleading to the farm public to allow ourselves to be used and have it suggested that we were in full support of Bill 42. I think that's a very good reason for stating publicly where we stand not only to you as the committee but to the general farm public: that there are a lot of problems with this bill and that we are walking away from it. We may have to walk back towards it down the road; I don't know that. But right today, this summer, we're saying it's a bad bill and we don't want our name on it; we're walking away from the table.

Mr Jordan: Are you willing to take another look after these committee meetings and perhaps some amendments have been made to the legislation, putting aside your personal differences between the organizations and looking at just for the good of the farmer? Are you willing to review it after it's amended and say, "I'll reassess our position"?

Mr Pearce: In order to serve democracy to our membership, to revisit the issue of stable funding would

have to be at an annually convened type meeting of the general membership. I don't know, and maybe the other two members would like to comment, but I don't think we would allow a decision like that up to an executive decision or a small group. We would want to make sure that our entire membership—and time may not allow that.

Mr Jordan: Thank you very much.

The Chair: Mr Wilson and Mr Klopp.

Mr Gary Wilson (Kingston and The Islands): Thanks for your presentation, Mr Pearce. I do want to greet Rick Munroe, who is from my riding and someone I know very well, and just to dispel any impression that he was late to this meeting because he couldn't find the committee room. I know Rick has attended a lot of committee meetings and represented the people in our area—not just farmers, I would say, but the people in general—very strongly on issues like plant breeders' rights on free trade. He certainly put those issues in a context that showed their importance to everybody in our area. In fact, I thought the way he acted was the way I would want any representative in a general farm organization to act. That's what I thought a general farm organization would involve, that kind of activity, and in fact it would have better stability through the program or the plan that we're bringing in with this legislation.

1440

I do want to say too I'm glad that Mr Villeneuve cleared up the language in your brief, which I found strong. You seem to be implying that we're not to take it seriously, similar to how we don't take seriously the language in the Legislature for the most part. I'm also pleased to hear that these things can change in the future, because that is the essence of democracy, I think, the discussion and deliberation that occurs.

I do want to point out that the way I read that reference to Patrick Watson's—to remind you, he says democracy is born. It has a long way to go, and certainly when you look at the history, we have a very deep history of things other than democracy and a very relatively recent history of democracy. So I think that there is a lot that we still have to learn, there's a lot of experience we have to go through, and I think this is part of it, your coming here to make your presentation.

I guess that is the one thing that I want to go over again, just this idea of how we find out what farmers are thinking in Ontario when, even according to your brief, there is really little organization there. It seems to me this is a step towards better organization, a better mechanism for finding out what farmers think and also for allowing them to have a greater say in what goes on in the province.

Mr Joe Dama: I'd like to make a comment concerning the general farm organizations. What are they, really? We believe that we are a political lobby group,

and I'm sure that's what the OFA believes, because I've seen it in some of their writing. Considering that, then, are we going to legislate people into supporting lobby groups and political organizations? If that's the case, what are we going to do next? Is the NDP then going to say: "All right, our support is low in the polls right now. We'd better legislate a bill and make sure that everybody is supporting the NDP"? That's a possibility.

Interjection: Come on, Gary.

Mr Gary Wilson: Well, if you're waiting for an answer, I can tell you I don't think it's much of a possibility, but—

Mr Hansen: It's an idea.

Mr Gary Wilson: Yes, it's an idea, as my colleague says.

Mr Villeneuve: Mike's a big guy.

Mr Gary Wilson: Democracy does require discussion and debate and—

Mr Dama: The NDP has a majority in the House right now. It could put a bill through like that.

Mr Mike Cooper (Kitchener-Wilmot): No.

Mr Gary Wilson: I must say, if your remarks or your work are based on that kind of an analysis, I think there is a bit of a misunderstanding there about how the system works. That is just out of the question. People have to come together, and compromise has to be part of the system to get things done. We all have different views, and there are separate organizations in all kinds of activities now, but it's how the views get represented, and that's again part of the intent of the legislation.

Mr Munroe: If I could offer a few words here, democracy also certainly works around diversity of opinion, and I think Gary mentioned plant breeders' rights. I would throw in issues like free trade.

I think the disagreements that arise between the farm organizations have a lot less to do with bad blood than to do with fundamental differences of opinion on critical policy decisions. The federation was strongly in favour of plant breeders' rights. We stood dead opposed to it and have major concerns about what we see happening with proprietary ownership of life forms and biotechnology and those sorts of issues. With respect to free trade, we were dead set against it right from the beginning and remain so, whereas their position was uncertain at first and divided even between the OFA and the parent body federally. So I think there are some major differences that way and they remain, and I think that's healthy for farmers.

Also, I was struck by something that appeared in the March 1990 edition of the OFA Members' Digest with respect to stable funding, and I'll quote from this very briefly. It says, under the heading "Developing One Farming Organization":

"Dan Caley, OFA field representative, recalls"—this

is his quote inside my quote—"The government would hear two different opinions and would tell the two organizations to go back and find out what farmers really wanted."

If that's the intent behind stable funding, to sort of attempt to funnel a great diversity of opinion that's out there among farmers or any segment of the public into one voice, one opinion, then I think the whole thing is quite misguided. The NFU has always felt that we don't represent all farmers but we represent a viewpoint of some farmers, and we feel that the federation has equal entitlement to the same sort of approach, but to attempt to set up a structure that's going to force all farmers to come up with some rather watered-down voice—which is part of our concern, I would say—is something that we think is quite undesirable. We think our opinion is different enough from theirs on certain critical issues that it's a valuable one. We'd like to see room for our organization, but we're certainly not going to be part of a scheme which forces farmers to support us.

With respect to the refundability thing, I think anyone who's voting for this legislation thinking in the back of their mind, "Well, there's a refund mechanism, there's no problem," is quite misguided. The result of this sort of plan is going to be unstable funding, and it won't be too long—because of course, how can any organization plan? They're going to have a slew of \$150 cheques with no foreknowledge of what percentage of that is going to be refunded, and it won't take too long, I think, before there are complaints from the other two organizations about the fact that they can't work under a mechanism like that. They're having to administer this entire refund system. They can't plan from month to month or year to year based on a system like that. So let's not have anybody be fooled about the refund mechanism.

Mr Klopp: Thank you for your comments today. We've been discussing this. Elmer has been discussing this since he became the minister; I've been discussing it; we're here today. We'll take your comments, as we will with all other groups today and over the next two weeks.

You asked about you've heard no response back from the minister regarding that you've officially asked to be withdrawn from the bill. That is through the system that needs amendments and we will be doing that kind of decision-making process and we will definitely take that under advisement. That will come under clause-by-clause and we will certainly try to make sure that your wishes are there.

Mr Hansen: I'd like to thank the National Farmers Union for appearing. There was one question I wanted to ask. What is the fee to belong to the NFU as it is right now? Is it because of the \$150? Is it cheaper than that or is it more? What is the amount that it costs to become a member?

Mr Pearce: It's \$150, including GST. We're one of those federal tax evaders.

Mr Hansen: Okay. I know you've had a lot of difference of opinion, and I think the one thing is, when we're talking, I think in that OFA submission, about one farm voice, I don't think the OFA was talking about its one voice but talking about farmers as one farm voice talking to the government with the stable funding with the three groups that could be involved. You know, we have different interpretation when we read a sentence. To me, I interpret it a little bit different. I don't totally agree on that point. I've got a rural area and I'd like to see the farmers coming together, not to be split, and I hope that if you want to be taken out of the stable funding, in three years you take a look at how stable funding is working and maybe jump back in and your group would be one of the groups to be involved, if not more.

The Chair: I'd like to thank the National Farmers Union and each of you for making your views known here today. Your group and you as individuals have played an important role in the process and I hope that you'll stay in touch with the committee, either through the clerk of the committee, any member of this committee or indeed your own MPP, as this bill makes it way through the process. Thank you very much for appearing here today.

Mr Pearce: Thank you.

The Chair: We'll just take a five-minute recess. We're a little ahead of schedule and I think all of us could use a little stretch, so we'll reconvene in about five minutes.

The committee recessed from 1451 to 1500.

ONTARIO FEDERATION OF AGRICULTURE

The Chair: Okay, if we could come to order. It's 3 pm and the next scheduled presenter is the Ontario Federation of Agriculture, if you could identify yourselves, gentlemen, and then proceed with your presentation. You've been allocated one hour to make a presentation, and the committee would appreciate at least half of that for questions and answers.

Mr Roger George: Thank you very much, Mr Chairman. My name is Roger George and I'm the president of the Ontario Federation of Agriculture. With me today, on my right-hand side I have Bill Weaver, who is OFA's first vice-president, and on my left is Carl Sulliman, who is OFA's chief executive officer.

Today we did not bring down any written material. It's our intention that Carl makes a short, verbal presentation. We're going to keep it down to a very few minutes to allow the maximum amount of time for questions, which I think will serve us as the most useful. So with that I think I'll defer immediately to Carl, who will make a short statement.

Mr Carl H. Sulliman: Thank you, Mr Chairman

and ladies and gentlemen of the committee, and Roger George and Bill Weaver, colleagues. I'm going to take just a very few moments.

Most of what the OFA has had to say on the subject of the farmer registration system and a funding mechanism for the general farm voice is well documented and very much in the public domain. As well, those things said about OFA on this subject are very much in the public domain. You are conversant with the arguments on both sides and with the material, as members of Parliament.

But while we're in this committee and we're on the public record, I want to take a moment to express some profound appreciation for a lot of hard work by a lot of individuals. I guess I'm one of the people in this room who's a continuous link, having worked with Premier Peterson's ministers, Minister Riddell and Minister Ramsay, on this subject and I've worked with Premier Rae's minister, Minister Buchanan, on this issue. I've worked with our partners in the general farm organizations in the province and worked with two deputy ministers and a number of public servants, and all those people I've found to be people of sincere intent and goodwill on what is a very complex subject: the funding of the general farm voice.

Men and women of the committee and members of the Legislative Assembly will know that there are many jurisdictions across Canada that have such a mechanism in place, some of them through formal legislation which is much more onerous and strenuous than this. An example would be the province of Quebec, which virtually turns the farm voice into a collective bargaining unit, on that kind of model, others on a less formal memorandum of understanding, but they too, in those jurisdictions, are moving towards a legislated framework.

In short, what we have put before you, and before the men and women of the Legislative Assembly who will deal with the report of the standing committee prior to third reading, is a made-in-Ontario solution to the Ontario situation. It's a solution that ensures the financial independence and integrity of our commodity organizations, funded through a variety of mechanisms which they have determined over the years, and the general farm voice now is before you for such consideration.

We have engaged in a very lengthy democratic process prior to appearing before you today, in consultation with our members, our 46 county and district federations across the province of Ontario. We have written directly, over the years, right to the mailbox and farm kitchen of our members as well as published reports through the farm media to the rural population at large and farmers specifically.

I suppose there are two or three items I'd like to just touch on for a moment for consideration of the commit-

tee. One is, what are you going to do with this money? As I have moved around the province with Roger and other elected leaders of the OFA and the leadership of other farm organizations, I have yet to have a producer in the province of Ontario approach me and seriously suggest that the general farm voice should not be funded. There is no one who doesn't believe the general farm voice ought not to be funded adequately.

The quarrel, I guess, has been the mechanism, and now that we have a mechanism before us that allows farmers to vote with their chequebook, in terms of asking for a full refund of all their money, what is it that confronts us today?

Bill 42 provides for two things: One is a reliable database for the government of Ontario to know who is in the business of farming in the province of Ontario. At first blush, in the hearings thus far I haven't heard a lot of questions from the members of the Legislative Assembly on that question, and it's a critical one because of the stewardship of taxpayers' dollars. It's important for you to know, as you bring on line, as members of Parliament, programs for that constituency, the farming constituency, and you rationalize those dollars, who it is you're directing them to.

If you look at Statistics Canada census figures, there were about 68,000 farming operations in 1991. If you look at Revenue Canada's farm tax filer figures, there are something like 113,000 farm tax filers. When you look at the property tax rebate program, you have upwards of over 200,000 parcels of land with multiple cheques going out to individuals or corporations or partnerships. In short, we don't have a handle on who is farming in the province of Ontario. It becomes difficult to plan, then, programming, so part of the farmer registration process here is to get a handle on who is farming in Ontario.

That's what the government gets. Regardless of which government is in power, that's what the public service gets in order to fulfil its mandate to plan accordingly and put programs in place for its political masters to make decisions about and priorities about.

For the farm organization, it's a mechanism for funding. It's a mechanism that provides a flow of funds to the general farm organization of choice. There are other general farm organizations that may not even exist today that hopefully, down the line, will exist and they'll apply to the accreditation tribunal for accredited status, and men and women will direct their payment to the organization of choice. But at this moment in time there are the three, plus, I might add, the Franco-Ontarian group, the Union des cultivateurs franco-ontariens. Their issue has been addressed and it's been addressed to their satisfaction, and they've been around a long time too. OFA from day one has been on record of working with the Franco-Ontarian French-language farm organization in saying, "We will ensure that you

get adequate funding," and the legislation ensures that; the regulations in draft form ensure that and enshrine that for them. They are in total support and agreement, and that's important to us.

We have met many times with the Ontario Farm Women's Network, and as a consequence of OFA's constructive and cooperative approach with all partners in the farming community, they themselves, in the midst of these discussions which at times could be heated, chose to formally align themselves with the OFA and took a seat around our board of directors within the past year, understanding that we are committed to the same notions that they are committed to, and we will work with them and support them in these endeavours.

Now the money: The legislation provides that a minimum of 25% of the net that accrues to the GFO, and in our instance it would be the OFA, ought to be used for—Minister Buchanan used the phrase at the OFA convention in November 1990, "grass-roots empowerment," local empowerment.

1510

The reason why you have a copy of the OFA annual report before you today is that it's very clear that already over one third of our budget is directed back to local service, and we're prepared to enhance that. The greatest risk in all of this is to the OFA itself, but we think it's a risk and an adventure that in the long haul are the best course of action to strengthen the general farm voice.

There are many of our counties that obtain funding from a variety of sources. They get a rebate from us; we provide field staff to them, full-time field staff across the province of Ontario in serving our members and non-members, I might say. Rarely is someone asked, "Are you a member of the OFA?" if they need help, rarely. So in terms of our ability to deliver that kind of funding back to the local level, the mechanisms are in place.

There are democratically elected men and women from farm families on concessions and lots in townships that exist today right across the province of Ontario. We have a history of nearly 60 years. It is a not-for-profit corporation. What we receive is spent back in terms of serving our members and the farmers in the benefits and the services we can provide for them.

One of the questions may be: "Well, does the OFA have any amendments it thinks the committee ought to look at? Is there anything in the draft legislation that ought to be looked at?" I think one of the troubling ones for me and for the OFA—we've discussed it—is the notion that anyone would deliberately attempt, should Bill 42 become a law of the land and a statute of the Ontario Legislative Assembly, to somehow subvert the law by writing a cheque or including a prescribed fee that in fact can't be negotiated. There has been considerable reporting in the public media about that.

I think members of Parliament need to be pretty careful about thinking that one through, because it's a pretty serious offence when someone knowingly misrepresents a negotiable instrument when making payment to you, remitting something to you, knowing it is a fraudulent instrument. I think one would want to be very careful about counselling anyone to break a law, because it's not just the law that flows from Bill 42, but it's the law of the land in this country. I pay my bills. You pay your bills. When we write cheques, we expect that they will be honoured and I think the person who receives our cheques expects they'll be honoured. So that's an important issue for us.

The business of prompt refund: Always on record publicly, once again today in Hansard, OFA is prepared to turn your cheque around in 30 days if you say: "I don't wish to belong to the OFA. I don't wish to be associated with the OFA. Please send me my money back." We will do our utmost from the time we receive the money from OMAF that's transmitted and moved on to us and the request comes. We will do our utmost. But may I also say there's a flip side which hasn't been asked, which I've raised with legal counsel and the Ministry of the Attorney General, which have OMAF as a client, and that is clearly the time line in which you may ask for a refund.

It's a preposterous notion to think that you could obtain from a general farm organization services and benefits for 11 months and ask, at the 11.5 mark in the year, for a full refund. I mean, there's a certain morality to be attached to that and just a fair business practice, and they have taken that under advisement. But, as those of you who are members of Parliament know, there is a prescribed way in which laws are formulated, and regulations follow after the men and women of Parliament have given their consent to the legislation in His Honour the Lieutenant Governor. The regulations then become a part, and that's why we go through this step now of looking at the law. I know that creates some confusion as well for our producers and for individuals and interested parties. Everyone would like to see the whole package. I understand that. I share that. I would like it too. OFA would like to see the whole package, but that's not the way laws are drawn in a parliamentary democracy. Regulations follow the enactment of legislation.

I have two points to make. Next is categories of membership. This is a very important concept. OFA has always been on record as saying, "Lockstep whatever the tribunal or the minister of the day or the members of Parliament prescribe as the prescribed fee." OFA has been willing to say, "We will accept that as full membership." If the man or woman or the farm operation chooses to take membership out on OFA, that's a wash for us.

We've got the biggest systems challenge in terms of

the prorated credit. Obviously, we've got a little over 20,000 people today, men and women across the province of Ontario and farm operations which have paid fees for a year depending upon when this legislation would come on stream or come into force. We would want to ensure that men and women who had already given us money don't get double billed. That's a systems problem. We're committed to making sure that people get fair value on a dollar as a dollar whether it has come through the OMAF route or whether it came in to the OFA office. That's important to us.

The other issue is categories of membership. We do have other opportunities for people who don't want to belong to the general farm organization but they wish to indicate support. We have a substantial number of those people. That's why you have both brochures in front of you today. One is a supporter category, the small brochures, and the other is the actual OFA voting member, just to clarify that for men and women of the House.

The last issue is: OFA is here today to speak on Bill 42 but this is not the all-consuming passion of our time and our efforts at OFA. There are tremendous challenges confronting the agricultural community and rural prosperity and the agribusiness economy in this province and across this country. The farmer registration act is only one thing. It is a means to obtain funding to do the work that needs to be done in those other areas: whether it's the GATT, whether it's the environment, whether it's ensuring that farmers have forums and material and information in their hands for the upcoming federal election to make informed decisions about the parties and policies and the options that face them; that whole range of things.

One of the things we have striven to do, in closing, is from start to finish—from the day we started to this moment, OFA has done its darnedest to make this a non-partisan initiative. We have worked with all members of the House, any member who wants to be informed on this subject; we will meet with them at any time. When we meet annually with the cabinet of the province of Ontario, within 12 hours we meet with members opposite, the opposition caucuses, to ensure that they know exactly what's been transmitted to the government of the day.

This issue is no different. We've worked with Minister Ramsay, Minister Riddell and now Minister Buchanan. The people of Ontario will decide which minister we work with in the future. We will do it with the same integrity and the same commitment and the same honesty that we always have done in the non-partisan way.

The Chair: We have approximately 13 minutes per caucus.

Mr Villeneuve: Thank you for your presentation. This has been a long and arduous road while looking

after the interests of your members, dealing with many of the ministries of the province of Ontario.

The exact process for reimbursement of one who chooses not to support you, but chooses to make his cheque payable to you, would you kind of go through the avenue that you foresee? I realize you've got to look after those people who are paying direct to OFA. Then, whenever the legislation becomes law, it will be a different route and you're going to have to probably put a lot of manpower—but explain to us what you foresee as the route.

Mr Sulliman: The short answer is: To comply with the legislation the way it's written, Mr Villeneuve, which says "prompt." Prompt for me means you wrote in today, I want to turn it around as fast as I can because even if you obtain a refund from us this year because of the passion, whatever circumstance you find yourself in, you want a refund this year.

The way in which I make that refund this year, Mr Villeneuve, may very much determine your attitude next year when OMAF sends you your annual farmer registration form in which you then write another cheque. You may have said: "Well, that xyz farm organization treated me with courtesy, politeness, dignity and promptness in a businesslike manner. I appreciate that I have second thoughts now. I think maybe they will be the organization of choice for me, Mr Villeneuve." That's our attitude towards it.

1520

Mr Villeneuve: Inevitably, as business goes on and the three years will evolve, there is provision here for the minister who may look at the legislation—you've suggested that you have no particular amendments. I would like to ask your consideration of if, in section 33, this should come back to a committee of the Legislature such as we have here today to do an assessment, what's your feeling?

Mr Sulliman: With great respect, I believe that Bill 42 has now obtained second reading. It is utterly, completely, 100% in the hands of the men and women of the Legislative Assembly of the province of Ontario. I think we have discharged our responsibility by having worked in partnership with the other two general farm organizations and the ministers of the day, as time passed, to bring us to this point. What we now have is a bill before you—it's been referred to this committee—and I don't think it's for me to be telling you what to do as a parliamentarian. I think that's a fine line. Mr Villeneuve, and I've just too much respect for the parliamentary system and integrity here.

Mr Villeneuve: What effectively the government is doing is giving the GFOs, whoever they may happen to be, the power to tax for representation of the people who will be providing them with the funds to keep them going. Under the agencies, boards and commissions, which is a slightly different structure, the Legislature

and committees have the opportunity, from time to time, to bring these ABCs—agencies, boards and commissions—back to answer to us, the elected people for the time that we are elected. This is going to be a slightly different animal, accountability—

Mr Sulliman: Yes.

Mr Villeneuve: I'm a member of the federation. I quite obviously wouldn't be a member if I did not think it was operating aboveboard. However, we have somewhat of a different animal here and I don't know whether there's another one of those roaming the rural routes of Ontario or elsewhere. So I'm looking for guidance.

Mr Sulliman: Okay, the short answer is, when the criteria were put in place for accreditation, they almost were too stringent. OFA argued to relax some of those criteria because, the truth of the matter is, even some of our partners around the table couldn't have met those criteria at the time in terms of local organization, the numbers, that whole thing. So we've had to relax that.

There is in regulation a substantial amount of power given to the accreditation tribunal to initiate review. In other words, if a farmer writes in with a fairly well-founded documentation of abuse or failure to comply, I welcome any opportunity at any time, at any place, to come before a parliamentary committee or a group of parliamentarians, Mr Villeneuve, and give accounting for our conduct, absolutely categorically. I have no hesitation.

Mr Villeneuve: That may well have to be included through amendments and added.

Mr Sulliman: No hesitation.

Mr Villeneuve: Okay, fine. An increase in fee—and you spoke about the tribunal which would be dealing with basically all aspects of the GFO pertaining to religious reasons for not providing funds etc. The way this tribunal will be made up—do you feel comfortable with the government appointing a maximum of seven people to this tribunal?

Mr Sulliman: Well, we live in a parliamentary system. We elect men and women to Parliament. They form a government at the behest of Her Majesty's representative and we entrust in them a tremendous amount of prerogatives, whether it's the Attorney General, the Solicitor General or the Minister of Agriculture and Food. It's just part of the system to trust that.

Now, with integrity on their side, I suspect they would invite candidates from us, as they do from every ABC now. They canvass the constituency for candidates. But it's the government of the day which holds—and appropriately so in a parliamentary democracy, sir.

Mr Villeneuve: It appeared that a quorum would be three people and there is a difference of opinion that that may not be sufficient in a seven-person board. Your

thoughts on a quorum of three?

Mr Sulliman: You have to ask the Speaker that.

Mr Villeneuve: He's not here. The method of increasing fees: Inevitably, in a world as we've known it—and I presume it will continue to evolve as we've seen it—fees would have to be looked at from time to time. My understanding that \$150 would remain that way for the initial three years—and I'm not sure that's in the legislation—the mechanism that you would see in order to increase, be it 2%, 10% or 20%.

Mr George: Presumably, Mr Villeneuve, each general farm organization would have to come to its own conclusion. If they needed an increase in fee and then jointly take a recommendation, one would hope that the farm organizations would agree on a consensus to take then, I believe, to the tribunal, and then the necessary changes would be done. But it would have to be something, I suspect, that would have to be agreed by all affected parties.

Mr Villeneuve: One final question: From the increase in fees to the actual way of operating, the federation does represent, I guess, a goodly number of farmers. How many GFOs—and we may have an onrush; right now we've apparently got one that was originally ready to go that's pulled out—do you feel could be comfortably accommodated without starting to step on each other's toes and still be productive to the farming community?

Mr George: I think the farming community will evolve to sort that out. I'm no longer concerned that we are going to get a proliferation of GFOs and I firmly believe that within this system, once the farmers of Ontario see this particular legislation in action and see the results of the work of general farm organizations, they will come to realize that we don't necessarily need 10 or 15 GFOs.

There will always be issues where a group comes about for maybe a short time, maybe an intermediate time, and that's probably healthy on specific issues. We see that with various coalitions we've put together. I believe the basic farm organizations will remain small in number.

Mr Villeneuve: How many umbrella organizations—and you and the Christian Farmers apparently will be the GFOs of the province of Ontario for the time being if things go out the way they appear to be falling into place. You will be asked by umbrella organizations, ie, the rural women and a number of those types of groups, and what do you foresee as your role there in assisting? That gets complicated, but I know you've looked at it.

Mr George: There are going to be tremendous demands on the farm organizations that are recipients of the benefits of this legislation. As an example, we in OFA are now going to be, as you say, the deemed farm organizations and there will be requests from perhaps

commodity boards, perhaps farmers to take prime responsibility for issues of a general nature: things like labour; things like environment; those types of general issues that are non-commodity-specific: AGCare; OFA; the animal care; all those types of things.

The pressure will be upon the OFA and the Christian Farmers to contribute a lot more funding than we do now to those general issues because, let me tell you, it's very, very easy to build these coalitions and I've been party in building quite a few. It's a totally different kettle of fish to fund them and the whole point of this thing is to get adequate funding, because it's not just going to be the OFA that is going to be the beneficiary of however much extra money may come through stable funding, it will be all farmers across all commodities who are going to gain the benefit of, hopefully, that money so we can put in more research and whatever it takes there.

As I say, this is not going to be a magical pot of gold sitting in the head offices of two or three general farm organizations. The demands and the expectations of those farmers who perhaps haven't belonged to general farm organizations in the past will be there. There will be those continued pressures upon the affected organizations, and we are committed, as Carl has said, to assist some of the minority groups in their efforts to carry on their specialized work.

1530

Mr Sulliman: If I could add, just very quickly, an example is areas of expertise. There aren't just two organizations; there are a number of organizations already. What this statute does is simply grandfather three today. One has asked to be deleted, but there are lots out there still that have said they want to work with us.

The Ontario Farm Women's Network: There are issues that are not just gender-specific, but they have more expertise. We work with them on it, whether it's providing child care in rural Ontario, which is a whole different set of circumstances: Child care in the city and child care in rural Ontario are two completely separate things. On a dairy farm we've got a 14-hour day. How do you do child care? It takes a really specific answer.

The Franco-Ontarian group: A very specific mandate again for them. They work with us in assisting in communicating in the French language and to the French rural population information on issues of concern to them in that linguistic grouping.

Mr Villeneuve: One final question.

The Vice-Chair (Mr Mike Cooper): Briefly.

Mr Villeneuve: I know you've got your crystal ball with you, because you were in Hamilton this morning talking about casinos and protecting the horse racing industry. What, in your opinion, will be your membership three years down the road?

Interjection: What we deserve.

Mr George: I am not going to speculate on that. What I will say is that the number of farmers choosing to leave their money within the farm organizations will be directly proportional to the degree Ontario farmers perceive those organizations to be doing an excellent job. I think it will be that pursuit of excellence that allows the farm organizations in Ontario to grow and prosper and serve every farmer in the province.

Mr Gary Wilson: Mr Villeneuve anticipated some of my questions which had to do with life after the legislation passes. I was just wondering whether you could continue. You mentioned, Mr Sulliman, child care as being one of the things that need attention. What are some of the other things you would like to be working on? I guess there is the added help through the rebate or the \$150 contribution. What do you see as being some of the things you can do with that money?

Mr Sulliman: The short answer to the question is providing, through appropriate analysis and reflection and consultation within the farming community, policy options for governments. That's becoming more complex, because we're finding we're dealing not just with the provincial government and the federal government, but municipal government is getting to be fairly complex too. In the process of disentanglement, in the process of rejigging through this government's initiatives in the social contract and expenditure control, as well as its budget, there's a whole reworking of the taxpayers' dollars. That has implications for agriculture and how we're able to do our business.

Land use is another issue. Just implementing the Sewell commission, its impact on—Roger is the president of an organization that represents 14 million acres of the finest land in this province. I think it's incumbent upon us to have something intelligent and thoughtful to say to those who are the policymakers about how we ought to approach the use and the stewardship of that land. When you look at things like waste dump sites, the solution keeps being prime agricultural land. Does that make sense to any intelligent person? I think not, but what's the policy option? We just don't have the resources to keep generating those kinds of options all the time. We're just running all the time by the seat of our pants.

Mr George: I think a follow-up to that is the fact that as we are in this turbulent time of change—our economy is undergoing a change—we in agriculture have seen that we have to broaden out our perspective and seek strategic partnerships with groups that we may not have talked to five years ago, in fact groups that were probably our adversaries. We are, through the minister's own process, the Vision 2020 process, involved in bringing all sectors of the agrifood business—from the farmer, to the processor, the distributor, the restaurant trade, the consumer, the suppliers, every-

body—into a room and saying: “Okay, what’s it going to take to survive in business in the agrifood sector in this province? What’s it going to take to ensure that all sectors can make a fair profit and we in turn can generate that economic impact for the economy?”

What we’re doing in agriculture, as the second-largest economic sector, is fundamentally important to the wellbeing of this province. I think it’s something that’s often taken for granted by consumers and taxpayers, not only in Ontario, but in Canada, about vitality, the need for vital domestic industry and one that’s prepared to seek markets around the world for those who choose that way, and those who choose domestic markets or niche markets. There’s room for everybody. There’s room for big farmers and little farmers in this economy. Every one of us has got a role to play in making sure that the rural economy remains strong, and I think this legislation will go towards helping some of those broad plans.

Mr Sulliman: Another example, Mr Wilson, if I might, just for one second, is that Mr Weaver’s been responsible for carriage of the labour issues portfolio around OFA. I can’t tell you what a dramatic change that’s going to be for agriculture. Here we have the second-largest sector of the economy, which up until now has been exempt from the Labour Relations Act. Now we shall have our own labour relations statute.

Suddenly, farmers as employers, farmers as business people involved in the labour negotiating process will be afraid, will be fearful. In many respects they are uninformed, they are not trained. They are going to be dealing with a labour union movement that has 100 years of history. I come out of a family of labour leaders. Just trying to bring yourself up to speed in the 1990s, to suddenly be put into the labour relations process, is an awesome challenge. We’re not talking about a big employer; we’re talking about 50,000 farm operators spread across the province saying: “How do I comply with this array of new labour laws and labour statutes? I want to be a responsible employer, I want to be a responsible citizen, but I also want to make money at the business of farming.”

It’s a big challenge and we’re at ground zero on that one. We don’t have the resources even to do training programs for farmers as employers in terms of the whole labour relations model. It’s endless, the list.

Mr Gary Wilson: You yourself brought up the issue of the big operation versus the smaller, what I think is traditionally called the family farm. Do you see any problem with balancing those two or do you see that at some point some of your decisions will favour one over the other?

Mr George: No. I think this is a very interesting philosophical question. Economists love to talk about the 25% of the farmers who are producing 75% of the goods. By implication, they say, “If we can get these

farmers a bit bigger, we won’t need x number of thousands of the small ones or the part-timers, whatever you want to call them.” I don’t subscribe to that; the OFA doesn’t subscribe to that. We are saying there is room in the rural community for all different shapes and sizes of people, and some of the smaller farmers fulfilling niche markets will serve a very vital role in the economy. The horse industry plays a very large role in the economy of the province. There is room for everybody. There will be those who choose to go out there and be global traders, and they will be multimillion-dollar corporations. We have no trouble with that, nor do we have any trouble with those who decide to choose to, or who are forced to, remain small or seek off-farm work. The challenge is always going to be to work together to make the rural economy work.

Mr Sulliman: Don’t forget that a lot of our smaller farmers today in this economy started out as big farmers at some point.

Mr Gary Wilson: I think my colleagues would like some time.

Mr Hope: The question I have is dealing with section 8 of it, where the named organizations in section 7 cannot be reviewed during the three-year period of deemed accreditation. Would you have any problem of being reviewed—as I listened to your opening remarks—by a tribunal if you were found to be not complying with the accreditation?

Mr Sulliman: I answered Mr Villeneuve in the affirmative on that question.

Mr Hope: So you want to, what? You would have no problem being moved out?

Mr Sulliman: I’m saying that the accreditation tribunal already has powers of initiating review in the statute. That’s already provided for.

Mr Hope: But not to review the named organizations in section 7, which are the Christian Farmers Federation—

Mr Sulliman: It’s just that they are accredited for three years. If I do not meet the criteria, the accreditation tribunal can call me into question when it feels it’s appropriate. I don’t think you’re suggesting frivolous harassment here, are you?

1540

Mr Hope: No, what I’m dealing with is accreditation.

Mr Sulliman: Exactly.

Mr Hope: It says here that the named organizations above cannot be reviewed during the three years, plain and simple. You say you would have no problem being reviewed during that three-year process.

Mr Sulliman: I have no problem with it. It is the grandfathering—or the grandparenting, to be politically correct today—of these GFOs for a startup time. It’s

going to take us a minimum of 24 months to get up and running on this, just the crossover of systems, it seems to me.

Mr Hope: I listened to you quite lengthily about the refund aspect and I know you do reflect part of the rural community, because you talked about the prime agricultural land that you represent. Most of that prime agricultural land lies in Kent county, which is the riding I represent the majority of. When I was looking at the farm registry, because we've known it as God's country where we come from—

Mr Villeneuve: We should go there some time.

Mr Hope: You're more than welcome to come and visit. I'm sure you've been there already, right, Bill? Because you talked about the refund aspect and because you reflect the family farm and the farm viewpoint, why then couldn't we go with the proposed, "If I don't want to belong to the farm organization, let me make that decision at the kitchen table, on a voluntary basis, right there, instead of writing the cheque"? Instead of my processing a cheque, sending it out with my registration and then turning around—because you know how time-consuming things are on the business end for farmers—why not let me have that opportunity to say yes or no at my kitchen table versus my having to write a letter and send it you asking for my \$150 back?

Mr Sulliman: I guess you'd have to ask the minister of the crown that question. That's a question directed to OMAF, I think.

Mr Hope: Those are all the questions I have.

Mr Hansen: On the \$150 membership—I was going to ask the Christian Farmers—even though you send the \$150 in and it stays with the farm organization, would I automatically become a member or would I have to signify that I want to be a voting member of the OFA?

Mr George: We will acknowledge the fact that we received your \$150. I assume we will say that unless we hear from you within x number of days we will assume you wish to be a member of the OFA and we will issue a membership card in your name.

Mr Hansen: So you'll be a voting member then?

Mr George: You'll be a full voting member for \$150.

Mr Hansen: So you'd receive all the literature and everything else from the OFA.

Mr George: Absolutely.

Mr Hansen: You were sharing with us a vision on how the group could grow and the different programs you get into. Would you be working with the other farm organizations—say, the Christian Farmers—at sharing information? This is a question that came up earlier. What I got out of the pamphlet is that I'd ask the question of the NFU about one strong farm voice. To me, one strong farm voice is all the agricultural groups

together, not just the one group.

Mr George: Notwithstanding some petty differences, you would be absolutely amazed at the amount of cooperation that occurs between the farm organizations between the OFA and the Christian Farmers, the National Farmers Union, all the commodity groups. We are constantly meeting in various forums, all those people. Sure we have our little spats, but so does every family, on little issues. On the big issue of what is right for Ontario agriculture, I believe the farmers of Ontario are more prepared than ever to do business together and to look at that big picture and embark on a course that is going to help our industry survive and prosper and meet the challenges.

Mr Hansen: This is what I was saying. The vision is a stronger vision, as you can see, with this stable funding.

Mr Bill Weaver: If I could, that is a vision. It's a vision increasing that ability to work together, but it's also a vision looking back at our current practices Roger talks about at the provincial level or even at the county level. The common standard right now is for county organizations to include each other in various plans. I know that in the county I came from, Mr Hope's county of Kent, there's been quite a number of years of history as far as the Christian Farmers working together, even the NFU working together. The NFU is a constant participant in the mall display that the county federation puts on, and that's great. That's a tremendous way that the agricultural and rural community has to develop to create a more cohesive message. As Roger says, there are going to be some differences from time to time, and hopefully we can set those aside for the bigger picture.

Mr Hansen: I just want to comment that down in the Lincoln riding—I mentioned to the minister yesterday when you weren't here—it's the only piece of legislation that I haven't had a phone call in opposition. I've only had positive phone calls to my office down in my area of Lincoln, even from the Christian Farmers also.

The Chair: Very quickly, Mr Klopp.

Mr Klopp: Thank you very much for your presentation today. Indeed this has been going on a long time.

You've made a number of interesting points and clarifications. One is section 20. We've marked that down. We'll look at amendments and ideas and we'll see what happens.

Someone said a little earlier about spending time, and as one who has been in the trenches, trying to farm and also go out and collect memberships, I certainly have no trouble supporting this type of bill. I appreciate your comments here today, as everyone else's.

Mr Cleary: Thank you for your presentation. I guess what I'd have to say is that over the last 20-plus years as an elected person, I've always been a firm believer

that if there were going to be changes, and especially if it was going to cost people money, we should at least listen to all groups and to what they have to say and do our best to answer their questions.

As I said, I've been involved in farm organizations as long as anyone in this room. I understand the changing times, and I've always been very supportive of some type of stable funding process.

I think we've had excellent discussions here in the last few days. I know I've learned a lot, and I'm sure everyone else in the room has learned something too from the ministry and the people who made the presentations.

What I would have to say here is that after the mess last fall with the proposed legislation, I had thought that it would have been this government's intention to get that legislation into the House early in the session and not wait till July 21, three weeks after the normal time the House would sit. The minister had agreed to have hearings here while the House was sitting and to try to wrap this up in a hurry. Several days before the bill came to the House, we heard that an all-party agreement had been arranged that there would be two weeks of hearings, and the government House leader had the final say.

It has been brought to my attention many times since, rumours that were circulated through Ontario and that came from people who were sitting in the House that day, that the bill was stopped for third reading by the official opposition, and there's nothing further from the truth than that. Ladies and gentlemen, an all-party agreement was in place—you can laugh if you like, Klopp.

Mr Len Wood (Cochrane North): John, I was sitting there too.

Mr Cleary: And I know a few members tried to grandstand that day.

I have sent Hansard out, and that corrected the situation. I find it very difficult that these stories would have been circulated.

I'm very pleased at what went through the hearing process. I am pleased at what I heard, and I think it's everyone's intention to get a final bill drafted and get that into place as quickly as possible.

We are a little bit concerned over the registration forms, which we have not seen yet.

Mr Klopp: They were handed out this morning.

Mr Cleary: Okay, I'm sorry. I got them okay.

The Chair: Just by magic, they've appeared, Mr Cleary.

Mr Cleary: I got them, thank you. I stand to be corrected.

I would just like to get some comments on the remarks I said. I've got a few more questions after.

Mr Sulliman: Mr Cleary, first of all, I think the comments you make are probably best directed to Mr Buchanan, because we don't run the business of the House. You as parliamentarians decide the business of the House and the agenda of the House.

I will say this, that from stem to gudgeon, start to finish, whenever Mr Harris wanted to see us and was willing to talk to us about this, whenever Mrs McLeod wanted to see us and was willing to talk to us about it, we've been there, and we have appreciated some very, very hard work by yourself, by Mr Eddy and by Mrs Fawcett on this very, very much. There's no question.

1550

We're here today as part of that process, Mr Cleary. The only thing we can account for are the actions and the activities of the OFA, and we're here to account for those today. I cannot answer for ministers of the crown; I cannot answer for House leaders. You're the parliamentarians. The Legislative Assembly's in your hands, sir, not mine—at least not until general election day.

Mr Cleary: The other thing I would like your comments on is that we talked a little bit about the tribunal. You people, as federation members, must have some ideas how to best set that up. Why I say that is because yesterday when we talked about that, we talked about we don't want anyone who's real close to an organization and we may have some difficulty getting the best people there. I'd just like your views on it.

Mr George: We're clearly looking for the minister of the day to appoint eminent persons who have got integrity. We can ask no more than that. I can assume that we will be given the opportunity to make suggestions, and then we're in the hands of those who appoint. I don't think it will be the general farm organizations that appoint the tribunal.

Mr Sulliman: I think you have to be careful about those kinds of statements, Mr Cleary, with great respect. It would like telling the Attorney General, "You're responsible for appointing judges but don't chose any lawyers, because at one time or another they've been in court and argued cases and they've got a viewpoint of the world." I mean, everyone has a viewpoint, but presumably people act with integrity when they become members of Parliament, when they become judges, when they become members of ABCs. People are asked in life, at certain moments, at certain times, on certain occasions, to act with integrity and impartiality and fairness. So we will do our utmost to put candidates to the minister of the day who we believe possess those kinds of credentials, Mr Cleary.

Mr Cleary: I just want to mention to you they weren't my comments, it was what I heard here yesterday. I'm just passing along what I heard.

The other thing you had mentioned a bit earlier was about getting 25% plus back to the local organizations.

Is that 25% or is it more that will be going back to the local out of money that was sent in to—

Mr George: It's already more. In our case, it's already more than 25% goes back directly to the county federations. I've had some ongoing discussions at the county federations and it's very clear that from our point of view—and I spoke about excellence—the strength of the OFA is our county federations, the fact that we've got our 46 organizations. In every area of this province where there's any serious farming done, we have a county federation or a regional federation of agriculture, and the worst thing we can do is to leave them short of resources.

The strength of the organization is the grass roots. The OFA is not Roger George and Bill Weaver and Carl Sulliman, the OFA is the 20,240 members who empower us today. The empowerment comes from the bottom to the top, it doesn't go the other way around, and that's the way it will stay as long as any of us are around in the organization. We've made that commitment to our people.

Mr Cleary: I totally agree that the grass roots is where you need the assistance and I know how hard they're working at the moment to try to fund their organization. There's no argument from me there. Anyway, those are my questions.

The Chair: Ms Fawcett.

Mr Sulliman: Mr Chairman, may I just say that we hope Mr Cleary is feeling better, too. You were hospitalized for some time there and we appreciate you being here this week, because I don't think you're totally comfortable. We hope you're on the mend.

Mr Cleary: If it had been any other bill but 42, I wouldn't have been here.

Mr Sulliman: Ross Procter's saying the same thing in the back row here, you see. You've got a friend.

The Chair: Go ahead, Ms Fawcett.

Mrs Fawcett: I thank you for your presentation. In some ways, I really am glad that my colleague Mr Cleary brought forward some of his thoughts, because we in our party have had some very grave concerns over some of the feelings that have been out there and we want to ensure that we get this bill passed now. It is seemingly on the road. It's unfortunate that it could not have started back in May and been finished, then you would be well on the way to implementation by now, but that wasn't our choice. So we hope now that it will definitely come in first thing in September, it'll be right on the order paper the day after we come in and we'll be onward.

Thinking positively that way, and with implementation, you would anticipate, hopefully, as all—well, I guess there would be the two GFOs right now with increased revenues. What sorts of areas of your mandate do you see increasing? What areas of concern do you

have that may be underfunded, that you can't do what you want to do? What sorts of things do you see really going forward here?

Mr George: I think policy development is by far the most important issue. Our research staff is the same now as it was—actually it's less now than it was 10 years ago, and that's critical, because the issues are more complicated and there are more of them. I think as we move into this, as I said earlier on, as we broaden out to look at the whole impact of the agrifood sector on the rural and on the provincial economy, that opens up a whole host of new avenues we are going to have to analyse. And in working with other groups—I just came back this morning from the Association of Municipalities of Ontario. We make contacts down there, and every time you make a contact, it becomes really more work. We don't have the resources, we spread ourselves so thin, and quite frankly in the past some things have got passed over, and that's been in the long term to the detriment of the people of Ontario.

Mrs Fawcett: Being educationally oriented too, I know there are some really terrific things going on there that I hope to see, that I can see even—

Mr George: I will say that without the volunteers also in Ontario agriculture, I don't know where we would be. It's one thing to say that we've got *x* number of paid staff and we do all these things, but the amount of voluntary work that is carried on by hundreds and thousands of farm families is one of the things that makes it—when you travel around, and I know you as elected people do the same thing, that's one of the things that makes you so proud to be a resident of this province: to see people out there digging and making that determination that change is in their hands, that change is not down here in Queen's Park, the change is going to come from those people. Those are the people who are going to carry us forward.

Mrs Fawcett: The money that goes to the local level, I know a lot of people don't realize how that is accountable. Are the local groups then accountable back to you as to how they spend their money, or are they completely on their own, or how does that work? I know people not knowledgeable in agriculture have mentioned this.

Mr George: The county federations of agriculture are autonomous groups. They deal with local issues. Some issues we never get to hear about in Toronto, at the provincial level. They sort them out there and then. There are issues then that they need to bring up the pipe to us for further action and which results in us coming to lobby yourselves or federal politicians, whoever else. Then, when we pass resolutions at our convention or whatever, we send them back down to our people and in turn invite them to go in to meet the local politicians on their home turf. You've all been lobbied in the past and I think you know how that system works.

Mrs Fawcett: Yes.

Mr George: So it's a multilayered approach there where there's a degree of autonomy, a degree of cooperation and internetworking.

Mr Sulliman: It's an important question, Mrs Fawcett, because even the crafters of the statute and the regulations now consulted with me on this question. I want to be very clear to members of Parliament about this. It's not like a humane society model or a Red Cross model where you have a provincial governing body that charters or incorporates constituent groups across the province. It doesn't work that way at all. It's a very dynamic, a very fluid, a very independent thing where cooperation and a common goal are very much the rule of thumb, and when the provincial organization gets off track, it takes about 30 seconds for a county federation to say whoa. As the chief executive officer, I report to a board of directors constitutionally of 130 men and women who meet monthly in kind of a mini-Parliament, and there is no shyness about them when they think we're off track—no shyness whatsoever.

The Chair: I'd like to thank the Ontario Federation of Agriculture and each of you gentlemen for appearing here today. I think it was a very interesting one-hour time frame and I know all members of the committee enjoyed the ample time for discussion back and forth. We trust you will keep in touch with this committee as the bill proceeds through the committee process and into the House, and I encourage you to stay in contact with the clerk, any member of the committee or indeed any other MPP in the province of Ontario. Thank you very much for appearing here today.

Mr George: Thank you, Mr Chairman. We are available at any time. If the committee's deliberations need some more clarification, we are available to help you out there. Thank you for your time.

1600

SILENT MAJORITY

The Chair: The next group scheduled to appear is the Silent Majority. Could they come forward. Could you identify yourselves for the purposes of Hansard and then proceed with your presentation after you've done that. You've been allocated one hour. The committee would appreciate about half of that time for questions and answers from all three parties, so proceed at your leisure.

Mr Joseph W. Daunt: Thank you kindly, Mr Chairman and fellow committee members. My name is Joe Daunt, I am a farmer from Perth county and I'm the chairman of the Silent Majority steering committee. With me is Tony Noorloos, who is a farmer from the Acton county area, and also Murray Musselman, who is also a farmer from Perth county.

A small correction on page 2 of our presentation, line 3: It reads "money form" and should be "money from."

We're very happy to have been granted an hour of your time as equal status with the three general farm organizations. Our origins date back to the open house which was held in Ayton on July 16, 1992. It was one of 14 open house meetings which the stable funding steering committee put together to try to inform farmers. A group of us went. We came to gather information on the stable funding proposal, but we were very disappointed. We found it much more like a tea party. It was as if the GFOs were there running membership drives. The question in their minds was to get people to join their organizations. It was a foregone conclusion that this proposal would become law. There was not, in their framework, room for the question of whether people thought this was a good idea.

The question was asked if a vote had ever been considered. Mr Tony Morris of the Ontario Federation of Agriculture executive reported, "You all had your vote in the fall of 1990 when you elected the NDP." John Langlois from the National Farmers Union thought there should be a vote on this issue. As a result of that meeting and our experience there, the Silent Majority formed in response to the total lack of democracy that we were seeing.

The goals of the Silent Majority were established: (1) to create an opportunity to educate and inform farmers about the stable funding proposal, and (2) to ultimately create a situation where stable funding is decided by a free vote of Ontario's farmers. Those were the goals we established on July 23, 1992, and they have not changed.

On July 31, the Silent Majority held a meeting in Kurtzville. It was a public, town hall-style information meeting and 500 farmers were in attendance. At the end of the meeting, by a show of hands, 20 people present indicated that they were against having a vote on this stable funding proposal. All together, three town hall-style meetings have been held. Total attendance at those meetings was equal to the 14 government meetings that were held across the province. That's approximately 700 people. At the three town hall-style meetings, a poll was taken. Almost 95% of the people who participated were in favour of a vote being held on stable funding before it should be implemented. To our knowledge, this is the only poll that has been taken of Ontario farmers.

On the question of a vote and why there should be no vote we've heard many, many reasons. We've been told that we don't know who the farmers are in Ontario, "How do we create a voters list?" "A vote would be divisive," and on and on.

We have detailed at length, in meetings with Mr Villeneuve, with the minister, Mr Buchanan, and with members of the Liberal Party as well different methods of how these problems could be overcome. It seems every time we make a suggestion, somebody finds another excuse as to why it can't happen. Ultimately,

the minister suggested that he would rather drop the proposal than have it face a vote. I believe that a vote is more necessary now than ever. I think, firstly, there is a need to legitimize stable funding.

We've heard much reference over the last year and a half how strong the farm voice in Quebec is, how strong the union of farmers in Quebec is, but people fail to mention that strong voice was put in place democratically: 66% of the farmers in Quebec participated in the vote and 70% said, "Yes, we want this organization." It is the only time that a vote has been held and it has come to pass. There was a vote held in Ontario about 20 years ago and at that vote it was turned down.

This issue is going on across Canada. Right now in Nova Scotia there is another organization, the Freedom to Farm, that also has the same concerns about an imposed system of farm registration and of collecting money from farmers.

I think, secondly, a vote clears the air; it ends the divisiveness. I speak from my experience, my observations in the cattle industry. For 15 years the beef industry was racked on the issue of supply management. There was much bitterness. It was a very divisive, controversial issue. It hamstrung the cattlemen's association.

Finally, a vote was held on the issue of supply management. It was done fairly straightforward with a mail-in ballot accompanied by a declaration of eligibility to participate. There was no voters list and there was no polling done. I don't think there was any question as to the validity of that vote.

Yes, the divisiveness within the cattle industry has ended. People are working together. They're sitting down and working together, whereas before they were at loggerheads over one issue and one issue all the time.

I think that those who are against the vote are saying loudly and clearly that they know their ideas do not have widespread public support. I find it also somewhat distressing that those who have chosen to attack the Silent Majority often tend to suggest that there is little support for what we say. They choose to attack us personally, "bespectacled, grey-haired old fogies," rather than attacking our ideas.

There are many myths surrounding stable funding, that stable funding would improve the farm economic situation. For what we can see of it, stable funding taxes farmers to finance now two lobbyist groups. This is money coming from farmers, not going to farmers.

There is the issue of a unified voice. I think forcing farmers to do what they don't want to do does not unify; it divides those who want to impose and those who are imposed upon. I think it's important to remember that there are 68,000 farm businesses run by approximately 110,000 farmers in Ontario versus a combined GFO membership of about 20,000. We must remember

that one of those three general farm organizations has asked to opt out. It looks very much like a minority dictating to a majority. Free men know what tyrants never learn, that the ultimate economic resource is the mind and the energy of a free person.

1610

We've preferred to deal with the issue of stable funding on the level of ideas rather than personalities. I think we have here a conflict of ideas, of good ideas and bad ideas. The answer to bad ideas is good ideas. I think we need to remember that there are casualties if bad ideas prevail. Supporters of bad ideas often try to force schemes on us using the power of government. Such resort to government solutions always seems to be a giveaway that something wrong or dishonest is involved. In freedom, persuasion, not coercion is the way to get one's ideas across. It is the only way.

Imposing them by law denies others their liberty, their dignity and their right to their own opinions. It is in fact an act of contempt towards them and an act of pride in oneself, a claim to know better than what we know is best for us. This is the fatal conceit. In the Judaeo-Christian view it is sin. This is precisely the kind of thinking that has collapsed due to the hard experience in eastern Europe and the Soviet Union. We need not know the whys and the wherefores of a given status scheme to realize that it serves bent thinking and bad purposes. It will be made to sound good, as if it were correcting injustice instead of creating it, of helping the needy instead of making them dependent and helpless. But it is going to cost us dearly, not only in taxes and liberty but in moral values.

Let's look at what freedom can do. The American railroads are emerging from a century and a half of wild venture, corruption and the suffocating hand of government to become a gathering economic force. The railways which hauled everything in 1900 lost out to cars and trucks. By 1970, indifferent to consumers, to customers and indifferent to shifting markets, about one quarter of the lines were bankrupt. Deregulation in 1980 allowed railroads to make quick adjustments to practices and to rates. They shrank their lines by one third, they reduced employment by 45%, they used 40% fewer rail cars, they hauled 40% more freight and they've upgraded their lines to a condition never before achieved. Freight rates have declined by up to 30%, yet the railroads are in a strong financial condition to face the troubled trucking and shipping industries. The scary part to this story is that nationalization of the American railroads received serious consideration in the 1970s.

I want to relate to you discussions which we've had with leaders in the Mennonite community. This group of farmers does not believe in lobbying or in government handouts. Historically, they state, the rural community has worked together and looked after itself. Barn raisings and threshing bees are a couple of examples.

Government intervention and support programs led to farmers becoming dependent on the state, weakening the fabric of rural society. The Mennonites have a stronger community today because they depend on each other in times of trouble, not on the state for support and comfort.

They have a strong community because each participates voluntarily. An institutionalized community that demands mandatory participation by law or coercion is weak and meaningless by comparison. There is an old cowboy saying, "When you realize that you've dug yourself into a hole, quit digging." The minister may have realized the size of the hole which Bill 105 created, but he needs to take the advice of the cowboy—sage and lay down his shovel.

In closing, I ask, do you want to strengthen agriculture or do you want to strengthen the power of government over agriculture? For the sake of farmers and for the future of the agricultural industry, the Silent Majority says, let farmers decide.

The Chair: Thank you very much. Questions?

Mr Klopp: Thank you. Your comments today—the minister, myself and many of us in our caucus have long questioned this idea, and these hearings in fact over the next two weeks are furthering that process. We will take your comments under advisement and we look forward to what comes out after we go through clause by clause.

Mr Hope: Mine is interesting: Are they going to deal with the Mennonites? I know that you have been in discussions with the Mennonite community around this issue. There are amendments now that allow for the Mennonite community to be withdrawn on religious belief, but this is going to be handled by a tribunal of maybe three people. My question relates to, when you deal with religion, are these people going to be the religious lords of whether you have a religious belief or not? I don't know if that discussion has come up, because you're empowering three people to make a decision whether you're religiously bound and you have a religious belief. I'm wondering if that discussion has come up through the Mennonite community.

Mr Daunt: Yes, it has, and it is central to their concerns. There has been provision made that the Mennonites would be able to gain a religious exemption from paying the fee, but there has been no provision made for an exemption from participating in the registration proposal. They have religious grounds that they do not believe in the registration system either, and it has been suggested to us that quite a number of Mennonites will not participate in the registration process either.

Their question is, who is a fellow man to judge one's religious beliefs? They believe that they are answerable only to God and that it is God who will judge them, not

fellow man. Yet here they are going to have to submit their religious beliefs to a tribunal which may or may not have any Christian or Mennonite religious understanding whatsoever and they will be judged. Many of them will choose not to be judged by fellow men. As they have in the past, they avoid those situations and those circumstances and they simply will not participate. They have done that in the past. Some of the Mennonites are people who have moved from other jurisdictions over time because of religious persecution, and they have the feeling that this is religious persecution again.

I have here a letter which I am going to submit to the clerk. It is a from a Mennonite bishop. He handed this to me this morning to bring down and personally deliver to you, his concerns, and they are along those lines. We've had many discussions on this.

Mr Hope: I know you're putting the question forward, letting farmers decide. In the earlier presentation with the OFA, I asked a direct question which I feel is just as valid as a vote.

I would like to see the farm community prosper. I know in my own community they're working very hard to regenerate their commodity and make sure they have the opportunity for prosperity, as they've been faced with this downturn and recession for over 10 years now. Since the early 1980s, farmers have been fighting to get themselves back up to, as I heard one farmer say, at least earning a minimum wage. Right now, most farmers aren't even earning a minimum wage aspect of it.

But you're calling for a public vote of farmers. I wish to pose the question to you: Do you feel that letting farmers vote on the issue at their own kitchen table with filling out the ballot—let's say, for instance, if I want to affiliate to a farm organization, I'm left that decision at the kitchen table. Instead of conducting a vote with ballots being all mailed out, there's one other way of conducting a vote, and that's letting me have that democratic right at my kitchen table with my family to decide whether I want to belong to a farm organization or not.

Mr Daunt: I think there are many ways that a democratic vote could be held. They've taken different forms in the farm community on different issues in the past. When I mentioned the one method of how it was done in the cattlemen's industry, I used that as a suggestion, not as the way that I think it has to be done. I think quite definitely the ideal situation is that it should be done at the farmer's kitchen table. It is two things. It is how you will get the best response. There was a good response from the mail-in ballot that was used in the cattlemen's plebiscite. By having the choice of filling out the registration form and deciding whether or not you want to send a cheque, that is another method.

As was mentioned a bit earlier, a suggestion has been

made that farmers might be able to write on the back of their cheque to endorse it "for deposit only to the account of," for myself, "Joe Daunt." That suggestion was made so it would reduce the cost of the paperwork of having a cheque pass through the banking system, of having to send a request for a refund of the government or, before that, of the government having to send out a notification of how one would ask for a refund, and of the farm organization having to go through the process of writing a cheque and issuing a cheque, and the cost of that cheque. That suggestion was not made with any intent to be fraudulent or to present fraudulent cheques. It was made as a suggestion of how this thing could be simplified.

1620

The Chair: Mr Hansen.

Mr Hansen: Yes, I was going to ask a question there, and maybe ask for some clarification from Mr Klopp or the deputy minister. I believe with the Mennonite community, a lot in the Mennonite community, the old Amish, do not participate in a lot of the programs put on by the government, so there would be no need for them to register in the first place because it's only for rebates from the government. If they do not deal with the government on a rebate or a program, there's no need to register then.

Mr Klopp: That's true.

Mr Daunt: I thought the purpose of this registration is to have a complete list of all the farmers and to know who's out there so that when you develop programs with money that you don't have, you can develop good programs. Now you're suggesting that you don't need to know who everybody is any more.

Mr Hansen: No, but they're not tapping into the programs for farmers.

Mr Klopp: No, that isn't what I said at all. We're not forcing anybody to register—myself, you or anybody else—in this program. Maybe that got out there, but we're not—

Mr Daunt: No, but you are using a fair bit of coercion to force people to register. You're holding the rebate of the farm tax from farmers. That is the intent, although it's not stated in the legislation. Many Mennonites do participate in the farm tax rebate where they do not participate in other programs. The reasoning for that is that they believe it is their own money that is coming back to them. That is the premise for the farm tax rebate to exist, that it is money that should not have been taxed and so it is returned; the amount that should not have been gathered is returned to farmers. So most Mennonites do participate in the farm tax rebate program, but they will not participate in programs where the money is coming from government, not having been paid to government initially.

Mr Hansen: Well, that would be about the same;

you pay it in and get it back and you don't have to be a member to get your number. I'm not going to argue this one because the ministry has been through this. I'm just a committee member, just to ask questions, and can't come back at you. I'm just saying that, you know if someone has paid too much in tax, the money comes back. And using the same principle, what you told me—I'm not looking at it as a religious order because I can't tell you everything about the Mennonite community. It seems to be the same thing that you told me, that the money goes in, the \$150, and the money comes back again from the farm organization and you don't have to be a member of the farm organizations.

Mr Daunt: But you are going to have to register in order to get your farm tax rebate.

Mr Hansen: Your number.

Mr Daunt: Yes, in order to get a number, which would make you eligible for your farm tax rebate. The Mennonites are suggesting that it would be against their religious beliefs to register.

Mr Hansen: Okay, so that was just—

The Chair: Go ahead, Mr Hansen.

Mr Hansen: I'm done on that. That was the only question I wanted to ask.

The Chair: Further questions from the government side? Mr Klopp?

Mr Klopp: No, just on a point of clarification: The minister has been working, and indeed myself personally, with many of the farm Mennonite community and they felt that this issue—there are others out there. All I'm saying is that there are others out there who felt that this has been working well together. We've heard their comments, we'll continue to hear their comments, and we will see, as clause-by-clause goes forward, if there are any changes to the amendment.

The Chair: Thank you. Ms Fawcett and Mr Cleary.

Mrs Fawcett: I appreciate your coming forward and making your views known before the committee. Maybe I could just continue on the Mennonite problem.

The minister yesterday did state, and I can quote right from his remarks: "The executive director of the Mennonite central committee has stated that his community does not object to providing the government with information nor being assigned a registration number."

This talk back and forth is a bit confusing in that what you have stated is that they are against being registered, yet in dealing with the deputy in questioning—and in fact the minister's statement said that the Mennonite community is not in opposition to a registration number. Because that really strictly isn't with the GFO; it's with the ministry as far as being registered goes so that then you're eligible for programs.

Mr Daunt: I can only report on what we have been

told.

Mrs Fawcett: Yes, I understand that.

Mr Daunt: I have had a couple of Mennonite bishops come forward and explain that to me. The letter that I presented to the clerk, the bishop allowed me the privilege to read previous to my handing it in. He states the same things in that letter again, so it is going to be on the written record.

Mrs Fawcett: Right.

Mr Daunt: I don't pretend to suggest that the minister has not talked or is misrepresenting the fact that he has talked to the Mennonite community, but apparently we have two different stories here.

Mrs Fawcett: Yes. I guess one thing I would like maybe to know is whether or not there was anything ever in writing from the Mennonite community or whether it was verbal.

Also, one question: Do you really feel as a group that the general farm organizations don't adequately provide service to all farmers? I'm really interested in why you really seem to be almost against Bill 42. I know you're not against all of it, but you definitely want a vote, and that seems to be the crux of your real opposition to it. I'm wondering: How do you feel about the general farm organizations?

Mr Daunt: I think we've had the feeling from the start that it is the prerogative of the general farm organizations and the government to bring forward whatever proposal they want. We've encouraged them to take the time and to develop a sound proposal. But the ultimate decision—

Mrs Fawcett: Do you not feel that they represent farmers?

Mr Daunt: All we're suggesting is that when that proposal is put forward, farmers should have the final say on whether they are in favour of it or not. I would think that the fact that the majority of farmers have chosen to discontinue their membership or have chosen not to belong to one of three general farm organizations should raise some concern as to what the majority of farmers feel towards them.

I'm a past member of the Christian Farmers Federation of Ontario, and they had a membership of much more than \$150. So we're not quibbling about \$150; we are talking about democratic principle here.

Mrs Fawcett: You don't feel, then, that this manner of being able to ask for your money back in fact gives you a vote that you don't really, let's say, want to belong to a group?

Mr Daunt: Why go through all this rigmarole and set up two new bureaucracies that are going to cost the government in the neighbourhood of maybe \$2 million—we don't know; we've never seen estimates—to gather money from me to send it back to me because I

have chosen not to belong? It's not by default.

Mrs Fawcett: I guess we are bridge-crossing, you know. We like to guess as to how much it's all going to cost, but until we try it out and find out—I'm sure it'll take some amending here and there to get it right. I appreciate your concerns though, and thank you very much.

Mr Cleary: Thank you, gentlemen, for your presentation. I know that you put a lot of work into that and we appreciate that. Carrying on from what my colleague said there, the main sticker seems to be the vote with you. Are there any other parts of the bill that are a problem to you too?

1630

Mr Tony Noorloos: Mr Chairman, that we do not have a vote on the stable funding act—it's being said we need one strong farmers' voice that will benefit the whole agricultural industry in this province. But if you do not get a vote and you have a majority of the farmers that do not support general farm organizations, how can we expect that we're going to get unanimity? We will divide the farmers more so than we have now.

I think if we have political parties, we expect to have a vote, and rightly so. But should we not have it if some organization goes to the government and says, "Well, we should have all the farmers' money. They've all got to be members; they've all got to pay," and we make that law, who are they going to be responsible to? Are they going to be responsible to the farmers or to the government that gives them that power, that gives them that law?

On top of that, we are in an economic situation in the province. You all know about the social contract. Now it's just for a couple of lobbying groups, you're going to make it so that they have a guaranteed income. What, for life? I think this is very questionable and I want to refer this to the members here. I think this should be thought over very critically, because I think if this sets a precedent, what other group can go to the government and try to get the same thing, go to the government and say, "Yes, we need funding; make it law and have people pay, without them having a say in it"? I think this is wrong. It's undemocratic.

Mr Cleary: Yes, your remarks are somewhat worrisome to some of us, and we hope it won't happen that way, but we're not sure. Just one other thing that I was going to mention to you, that if it was said down the road in three years' time that there was going to be an all-party committee look at the legislation and some possibility of a vote at that time, that wouldn't put your mind at ease a bit either, eh?

Mr Noorloos: No, it would not, because in the legislation it says the minister "may." It does not say that he has to. We have no guarantee that he's going to. I can tell you, if the general farm organizations do not

want a vote today, do you think they'll want one three years from now, once the funding is in place? They'll want to keep what they've got. I can understand that fully, but let's be careful. Are they really going to work for the farmers? The government hasn't got a lot of money to pay out any more. The funds won't be there. That's realized. The farmers will have to be more on their own feet, and it's coming and it could be much more so than we have today.

Mr Cleary: Could I ask another question? How many members do you people have now?

Mr Daunt: We're not a formal organization in the sense that we have members. We have what we call supporters, the people who, in one form or another, financially or verbally or whatever, support the same ideas that we have. As far as who supports us, I would not want to hazard a guess. I think one way to find out would be to have a vote and we would soon find out how many people support our position and how many people support the position of the Christian Farmers and the Ontario Federation of Agriculture.

Mr Cleary: How would you handle your own registration, when your registration is mailed to you? How would you handle that?

Mr Daunt: That's a decision that personally I haven't made yet. This bill is not law yet.

Mr Cleary: That's right.

Mr Daunt: We will cross that bridge when we come to it.

Mr Cleary: Okay.

Mr Daunt: But it is going to receive quite a bit of consideration.

It will be a heavy penalty to me. My farm tax rebate cheque approaches \$10,000, and in my farm operation, that is a significant sum of money to me. So there is a fair bit of coercion that my wife and I should register our farm operation and participate and send our money in and ask for a refund; \$10,000 extra money to any one of you individual people, I think, would be a considerable sum of money also. So there is a lot of coercion here, and this is the thing that we don't have to—it's up to us to make that free choice whether we want to register our businesses or not. How free is it really?

Mr Cleary: Thank you, Mr Chairman. I really appreciate your comments, and I heard similar remarks before from others. Hopefully, there's going to be a way to solve this one way or another. Thank you.

The Chair: Thank you. Mr Villeneuve, Mr Jordan.

Mr Villeneuve: Joe and your colleagues, thank you for being before us this afternoon and bringing forth a different angle. I also want to thank you for meeting with myself and some of my caucus colleagues over the past number of months. I've had the occasion of attending some of your meetings, the one in Kurtzville, and

it's a very, very interesting point of view that you bring forth.

First of all, the vote. I think we'd all like a vote. Again, the problem I have is that famous voters list that we hopefully will have three years down the road. Your comments again, and I might as well put them on the record—I know what your answer's going to be, but who should vote if indeed a vote were to be held?

Mr Daunt: Anybody who will be affected by the legislation.

Mr Villeneuve: You're including, at this point many people who have nothing to do with agriculture other than owning some farm land and collecting the farm tax rebate because the farmer qualifies them to be eligible for the farm tax rebate.

Mr Daunt: No, I'm suggesting anybody who will be required to register their farm business, as the proposed legislation states, should have the opportunity to have a democratic vote. It's very simple. I can't understand why it's so difficult for you to understand.

Mr Villeneuve: Well, the requirement here is that in section 33, "After three years have elapsed since the coming into force of this act, the minister may have a review of the act to determine whether it is advisable that the act continue in force." That is item 33.

I have suggested, and we will be proposing amendments to that particular section, that it would be taken out of the hands of the minister once we have a voters list. We will have this famous voters list in a year's time, maybe before, those who have qualified as bona fide farmers. In other words, they've registered. We'll have a voters list.

At this point in time, it may well be that a vote should be held, once we have the voters list. Would you be in favour of an amendment to this, and I know you're against the entire process, but could you live with an amendment that takes it out of the hands of the minister, puts in the hands of a committee of this Legislature, the likes of which you may be sitting before today and you may or may not like, but that's, I guess, a portion of the democratic process? Could you live with an examination by an all-party committee of the Legislature? They may well, at that point, recommend the vote. Would you accept that?

Mr Daunt: I think it's very clear in our goals statement that our second goal is that we ultimately create a situation where stable funding is decided by a free vote of Ontario's farmers.

You can't be half pregnant. You either are or you ain't. So let's stop playing around with democracy and trying to impinge on democracy. A lot of people have given up a lot more to fight for freedom and democracy than what we are by giving our time freely here today.

Mr Villeneuve: There's no doubt about that.

Mr Daunt: I hope we have a lot to respect and

honour those individuals who went so far as to give their lives so that we could have freedom and democracy here. Yet people keep pulling away at that house of democracy. They think if they pull a little brick out here, it won't matter; nobody will notice. Then somebody else wants to pull a little brick out over here and it's okay; it's just a brick. But at some point in time, somebody pulls out the wrong brick, and the whole house comes down. We need to keep our house intact.

Are you a member of the OFA, by any chance?

Mr Villeneuve: Yes, I am. I've never hidden that fact.

1640

Mr Daunt: Do you not believe that you might be in conflict of interest sitting here on this committee as you're reviewing this?

Mr Villeneuve: I have considered that, yes. We would have a number of members who might be in conflict.

Mr Daunt: I find it very disturbing. How can we expect to receive a fair hearing?

Mr Villeneuve: That is entirely up to you and the perception that is left. I'm simply here to attempt to extrapolate some answers that would help the committee as we proceed with Bill 42. It's had second reading. I've never hidden the fact that I'm a member of the federation. I think we have probably members from all parties who are members of the federation.

Mr Daunt: And you're promoting your vested interest.

Mr Villeneuve: You may see it as that.

Mr Daunt: That is the perception.

Mr Villeneuve: If it's perception, then it's reality.

Mr Daunt: Exactly.

Mr Villeneuve: I simply am here to attempt to assist the Silent Majority. I was surprised that my colleague Mr Hansen hasn't had any phone calls. I've certainly had a number of phone calls, and I think you three people have on a number of occasions phoned, and I have certainly been prepared to listen. I wanted to get it on the record. I've heard it a hundred times if I've heard it at all. Yet we've got to start with a voters list. It's the chicken and egg.

Mr Daunt: Why? We didn't have a voters list in the beef industry when we had a vote. In rural ridings, I understand it's going to be the case that even in urban ridings that if your name is not on the voters list, you still are going to have the opportunity to vote in the next federal election, so there are mechanisms.

Mr Villeneuve: It's my understanding that members of the Ontario Cattlemen's Association at the different county levels were allowed a vote whenever a vote occurred in the beef industry, and I was involved. That's the way I assumed it was occurring. I have no

problem, once we have a voters list of bona fide farmers, and whether that gross income, whatever the criteria are—I had an answer this morning that said whoever gets a cheque as a rebate cheque on farm taxes, gets to vote. How many cheques do you receive from the government?

Mr Noorloos: I only get one and I've got 10 or 11 farms.

Mr Villeneuve: How many does Joe get?

Mr Daunt: There are two, because some of the land is in my name and some of it is in my wife's name and myself. In the cattlemen's vote, my name was on three different lists that the farm products marketing board used, but you see when those vote packages were mailed out, they were also accompanied by a declaration form, and you had to declare that you were an eligible voter and it laid out very clearly what an eligible voter was. In my case, it meant that either myself or my wife, just one of us, could have a vote because of the structure of our farm business. Those are the rules. I have no problems with the rules, whether we make it each farm business or each farmer, as long as they're laid out and everybody knows and it is done fairly.

These ballots were put out. I'm not sure of the numbers, but there were almost twice as many ballots distributed as people participated in the vote, as ballots that were returned. The farm products had their audit procedure that it went through to make sure that things were done fairly and that there was not any fraudulent voting went on, and I don't think either side on that issue could take issue with the way the vote was done, and there was no voters list.

Mr Villeneuve: With all due respect, there were questions.

Mr Daunt: I think there were questions on both sides. But I don't think they were so severe that people thought that even if all those questions were swayed all one way or all the other way it would have altered significantly the outcome or the result of that vote.

Mr Villeneuve: But it wasn't smooth as silk.

Mr Daunt: Democracy has rough spots.

Mr Villeneuve: That's why we're here.

Mr Daunt: You have spots in provincial elections where there are some rough spots, and you have voters lists to start with.

Mr Villeneuve: Yes.

Mr Daunt: So you still have rough spots.

Mr Villeneuve: That's the reason why without a voters list the rough spots become rather bumpy, and I guess that's why we're here, and I appreciate—

Mr Daunt: And it's a lot bumpier if you don't even attempt the process.

Mr Villeneuve: I'm asking again: On item 33—

Mr Daunt: No.

Mr Noorloos: No.

Mr Villeneuve: No. Okay. Very good. Thank you.

Mr Jordan: Thank you, gentlemen, for giving of your time and giving us your very clear point of view on this legislation. First of all, right off the bat, I want to tell you that I am a member of the Ontario Federation of Agriculture. I would ask you: Is that any different than being a member of the Christian Farmers Federation of Ontario, the National Farmers Union, or any of the other farm organizations?

Mr Daunt: Different only in the fact that you have chosen to belong to a different organization, one rather than the other, and maybe you belong to more than one.

Mr Jordan: So you don't see that, then, as really a conflict as you were inferring—

Mr Daunt: As to whether you're a member of the Christian Farmers or a member—

Mr Jordan: No. As far as this legislation is concerned and sitting on the committee.

Mr Daunt: It certainly does raise some concerns, yes. I'll be very frank with you. I also understand that there are different reasons for people belonging to one or another of the organizations. Sometimes it is done only for political reasons to put oneself in political good standing with an organization. Sometimes it's done because you firmly believe in the goals and objectives of that organization.

Mr Jordan: I think, in the area that I represent, it's the only farm organization that's active in the area, so it's not a matter of really having a choice, as far as my knowledge of that particular area goes.

Anyhow, to move on, you started off and you said you represented the silent majority. Are you saying that because you know that by the work you've done in the province or the contacts you've made across the province, or are you assuming that you represent the silent majority because you are representing those who are not members of one of the three organizations?

Mr Daunt: I wouldn't even want to go so far as to say that we're representing all of the people who do not belong to one of those three organizations. I think we have similar ideas to quite a large number, a number that's undefined, of people who cannot accept this legislation being implemented without a vote first. I would suggest that those people who support us, some of them are also members of one or another of the general farm organizations. We've been surprised at some of the people who are members of one or another of the general farm organizations who have come forward and expressed their concerns about this legislation being implemented without a vote, and some of them have even financially supported us. So there's not unanimity even within the general farm organizations. They do not have the unanimous support of their membership. I question whether it's even been put to a

vote in any of those organizations, to their full membership, whether they have the majority of support within their organization. I may be wrong. We don't know.

Mr Jordan: Something along these similar lines has taken place in our neighbouring province of Quebec and there was a majority there in favour of a farm organization for the province. You quite likely are familiar with the policies and assistance programs that they've been able to get for the Quebec farmer. Do you see it as having benefited the farmers there as compared with the situation you're in here in Ontario?

Mr Daunt: They have been successful at getting money out of government, but I question whether getting money out of government and becoming dependent on government is healthy in the long run. I participate in the tripartite stabilization program for beef cattle and my experience in the past has been that whenever I get extra income because the tripartite stabilization program pays out to me, that money doesn't stay in my pocket, it simply gets passed on down the line. So I'm no better off for that government money that has come to me, and there are some great concerns at this point in time. As we've seen in the pork industry, it is something that becomes countervailable, and I think there's a widespread feeling now within the pork industry that they might have been better off if they had never participated in that government program.

1650

Mr Jordan: So this is what gives you, as you state in the conclusion of your presentation, the fear of government intervention? You said government interference rather than farmers helping farmers.

Mr Daunt: I think it's the Mennonites that may be exemplified the most, and I've heard it expressed by some of the general farm organizations as well that we need to work together. But I think there's a difference in working together because voluntarily I want to help my neighbour because he's got a problem or he's in trouble, and the institutionalized community whereby we are forced to work together whether we want to or not. I think people are pretty ingenious and they figure out all sorts of ways to get around doing things they don't want to do. I think it's going to be a pretty hard law to enforce.

Secondly, do we want to waste a lot of the energy of Ontario's farmers, having them sit up nights devising ways they can get around stable funding? Wouldn't it be better if they were devising ways of becoming more productive or enjoying life a little bit more; spending a bit more time with their wives and their children; enhancing their quality of life, whatever?

Mr Jordan: I'm not in a position to judge the amount of time that they're going to spend trying to avoid the legislation, but—

Mr Daunt: We're being told we're spending too

much time by some people.

Mr Jordan: Trying to avoid the legislation?

Mr Daunt: Yes.

Mr Jordan: We had great concerns, as you know, about the legislation in its original form. Now that it's been changed in Bill 42 relative to the vote issue, in that at the end of three years the minister may—and as my colleague has pointed out, his amendment would be that not only the minister will, but it would be referred to a legislative committee such as this for review, and you would come again before the committee with concrete evidence of reasons why a vote is now required. We found that to be more or less acceptable as against the previous legislation.

Mr Daunt: I think in Bill 105 there was a provision that there would be a vote in three years' time.

Mr Jordan: That's right.

Mr Daunt: This legislation is regressive on that point and I would add that we could not support the idea of a vote being held in three years' time because, in the case of the Ontario Milk Marketing Board, it was implemented and there was going to be a vote in three years' time. That vote never occurred. Laws can change.

Mr Jordan: But it would be a heavy yes vote today if it did, would it not, on the milk board?

Mr Daunt: I don't know. I would want to be a little bit careful. This is another issue. There are farmers who have some serious concerns about it.

Mr Jordan: I think the majority, though, indicated that they were much better off with the board than they were without it.

Mr Daunt: The question of whether they're happy with it or the question of whether financially they're better off, those are two separate issues.

Mr Jordan: Yes, they are.

Mr Daunt: I don't think we should confuse them. I know the one will tend to diffuse people's—but I think when you get into second-generation supply management that there's a lot of problems that weren't there for the people who were given the quota.

Mr Jordan: That's right.

Mr Daunt: For the young person trying to get started in farming today who has to face that burden of the price of quota, that huge capital expenditure, it's something that doesn't pencil out, it doesn't give you a return on your investment.

Mr Jordan: I guess what I was leading up to is that once we experience this in place for three years, we'll be in a better position to judge it. But you seem to be indicating a fear of government interference in the operation of your—

Mr Daunt: If we have a vote first, I will be certain that there will be a vote. If you say there's going to be a vote in three years, I'll believe it when I see it.

Mr Jordan: Thank you very much.

Mr Daunt: I'm afraid I haven't got any more faith than that in our government.

Mr Villeneuve: Just as a supplementary: I represent a very rural riding. You tell me that you're worse off with the tripartite payment because it just goes down the road. All the people I've spoken with gladly cashed that tripartite cheque, whether it's hogs or beef. I find you in a minority position.

Mr Daunt: I think we have to separate—there are two issues here again—whether you think it's a good program or not and whether you participate in it, because I'd be put at a severe economic disadvantage if I did not participate in the program. If I did not receive that money when I went to the auction yard and I had to bid on cattle, if I did not have that money in my pocket, I would be at an economic disadvantage to the person who had participated in the program. So I don't think it's a conflict to participate in the program and yet be opposed to it.

Mr Villeneuve: I think you've put your finger on the dichotomy that agriculture faces. In other words, let the cow-calf man take the docking at this stage of the game, you'll buy your stock as cheap and be able to make a profit on them, I guess is what you've just said, if tripartite were not here.

The second thing: You were a member of CFFO, I gather, at one point.

Mr Daunt: Yes.

Mr Villeneuve: You no longer are a member?

Mr Daunt: No, I—

Mr Villeneuve: You need not answer this, but could you explain to us why? You need not answer.

Mr Daunt: There were two points: One of them was stable funding, the fact that they would pursue it.

Mr Villeneuve: Thank you.

The Chair: Mr Noorloos, did you have a point to make?

Mr Noorloos: I don't really have a point, Mr Chairman, but I think—and it's probably been mentioned already—that it looks like this thing is going to go ahead. It's got second reading. There is no assurance of what admittance you're going to make.

Are we going to have a vote in three years? Nothing there—they may redo it, but it doesn't say a vote, there is no vote. Do you think this is democracy? Is this the direction the government must take in this province? I think it's very serious and I think we should reconsider, not only us but all of us. If we throw this out of the window, I think we're on a difficult road ahead.

Mr Murray Musselman: I'd like to make a little point on Mr Villeneuve talking about how we can't have a vote because we haven't got a voters list. At a meeting in early July in Kurtzville, Elbert van Donkers-

goed from the Christian Farmers was there and he stated that we knew who to send these registration forms to. If we know who to send the registration forms to, why don't we know who to send the ballots to?

The Chair: Thank you. I'd like to thank the Silent Majority, who have obviously chosen not to be silent today, and each of you for taking the time to appear before the committee.

Mr Noorloos, it's always a pleasure to see you. Mr Noorloos's farming operation is very close to my riding of Sarnia and I believe he and I have some mutual acquaintances in the cattle business as well. It's a pleasure to see you gentlemen, and thank you very

much for appearing before the committee. The letter that you hand-delivered has been marked as an exhibit and will become part of the proceedings of this committee.

We trust you'll stay in touch with the committee either through the committee clerk or any member of this committee, or indeed your own local MPPs, as this bill proceeds through the process. Thank you very much for taking the time to be with us today.

Mr Daunt: Thank you, Mr Chairman and committee members. Thanks for taking the time to hear our concerns and our beefs.

The Chair: You're most welcome. We are adjourned till 10 am tomorrow morning.

The committee adjourned at 1659.

CONTENTS

Tuesday 24 August 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42	R-53
Christian Farmers Federation of Ontario	R-53
Arend Streutker, president	
Ann Haagsma, director and treasurer	
John Markus, vice-president	
National Farmers Union	R-62
Perry Pearce, national board member	
Rick Munroe, member	
Joe Dama, director, district 6	
Ontario Federation of Agriculture	R-69
Roger George, president	
Carl H. Sulliman, chief executive officer	
Bill Weaver, first vice-president	
Silent Majority	R-79
Joseph W. Daunt, chairman	
Tony Noorloos, steering committee member	
Murray Musselman, steering committee member	

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- ***Chair / Président:** Huget, Bob (Sarnia ND)
- ***Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)
 - Conway, Sean G. (Renfrew North/-Nord L)
- *Fawcett, Joan M. (Northumberland L)
- *Jordan, Leo (Lanark-Renfrew PC)
- *Klopp, Paul (Huron ND)
 - Murdock, Sharon (Sudbury ND)
- *Offer, Steven (Mississauga North/-Nord L)
 - Turnbull, David (York Mills PC)
 - Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway
 Hansen, Ron (Lincoln ND) for Mr Waters
 Perruzza, Anthony (Downsview ND) for Ms Murdock
 Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr Turnbull

Also taking part / Autres participants et participantes:

Burak, Rita, deputy minister, Ministry of Agriculture and Food
 Hope, Randy R. (Chatham-Kent ND)

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Richmond, Jerry, research officer, Legislative Research Service

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R-7

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Legislative Assembly of Ontario

Third Intercession, 35th Parliament

Assemblée législative de l'Ontario

Troisième intersession, 35^e législature

Official Report of Debates (Hansard)

Wednesday 25 August 1993

Journal des débats (Hansard)

Mercredi 25 août 1993

**Standing committee on
resources development**



**Comité permanent du
développement des ressources**

**Farm Registration
and Farm Organizations
Funding Act, 1993**

**Loi de 1993 sur l'inscription
des entreprises agricoles
et le financement
des organismes agricoles**

Chair: Bob Huget
Clerk: Tannis Manikel

Président : Bob Huget
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LEGISLATIVE ASSEMBLY OF ONTARIO

R-89

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 25 August 1993

The committee met at 1007 in the St Clair/Thames Room, Macdonald Block, Toronto.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Chair (Mr Bob Huget): If we could call the committee to order, it is 1007. In absence of the third-party members, we will commence in any event because we have a tight schedule today and it is not fair to witnesses who have travelled to be here to sit and wait.

ONTARIO CHAMBER OF COMMERCE

The Chair: I will call the first witness, the Ontario Chamber of Commerce. Good morning and welcome. You have been allocated one half-hour for your presentation, and I know the committee would appreciate at least half of that for questions. Identify yourselves and then proceed with your presentation.

Mr Don Eastman: Thank you for allowing us to offer our comments on this important legislation. I'm Don Eastman and I'm vice-president of policy for the Ontario Chamber of Commerce. That's a volunteer job. In my other life, my wife and I have been grape farmers for the past seven years. That's a relatively short time in agricultural terms. With me today are two people with substantially more farm experience: Ellen Lowry, a farmer from Kincardine and member of our agricultural committee, and Ross Procter, a farmer from Brussels, Ontario.

The Ontario Chamber of Commerce is the largest business organization in the province. In fact, with over 200 local chambers of commerce and boards of trade, and representing some 65,000 businesses in the province, we may be the only truly general business organization in the province.

We represent the complete breadth of legitimate businesses in Ontario. Our membership encompasses the entire geography of the province, from Quebec to the Manitoba border, from Pelee Island to Hudson's Bay. It includes all sizes of business from sole proprietorships

up to the largest companies in the province. It includes all types of business: retail trade, manufacturing, services, farming, you name it.

I mention that because when we look at Bill 42, there is initially a part of us that says, "Wouldn't that be wonderful." We are currently overworked and understaffed. If we could somehow force every business in the province to provide, even temporarily, a reasonable level of support, just think of all the additional wonderful things we could do. We could broaden our education programs; we could be even more vigorous in opposing damaging legislation; we could do a better job at being proactive on legislation.

Free riders are a major annoyance. There are, regretfully, still a lot of businesses in the province that benefit from the Ontario chamber's activities to promote a healthy, dynamic economy while at the same time they keep their hands in their pockets and let others foot the bill, both in terms of money and effort.

Even if many demanded their money back, we would get to keep it for a while, apparently indefinitely, and they would have to make an active decision to unjoin, despite our best sales efforts, instead of a passive decision not to bother joining in the first place. Fortunately, on reflection, there is a more dominant, larger sense of responsibility that says it would be fundamentally wrong to try and solve our financial challenges in that fashion.

I'd like to share some statistics with you that may not initially appear to be very relevant: cold, hard numbers with a powerful message. They're gross domestic product per person in US dollars for the year 1990, and GDP per capita is a crude measure of living standards in each of the following countries: China, \$313—that is for the entire year per person; India, \$337; what was Czechoslovakia, \$3,075; what was the Soviet Union, \$2,626; Brazil, \$2,297; Nigeria, \$226; Ethiopia, \$126; Canada, \$22,172. The number for Ontario would be higher yet. It is difficult for us to even comprehend what those numbers mean for living standards in those countries.

It's important periodically to step back and put things in perspective. We, in this province, in this country enjoy a quality of life and standard of living that is the envy of most of the rest of the world. We didn't achieve that quality of life because we work harder than people in those other countries or because we are somehow more deserving. Our resource base has been helpful, but it's not inherently superior to that of some of the other countries that I listed.

The critical difference is that we have worked "smarter." Our work has been dramatically more productive than the work done in most other countries. Our quality of life and living standards have recently been diminished. There is a serious and very legitimate concern that we are entering what may be a long-term decline.

In our view, personal freedom and material wellbeing depend critically on the personal empowerment made possible only by a true working democracy in conjunction with the individual decision process of a market-driven economy.

True democracy is not a tyranny by the majority. It is a process that respects all individuals and their right to make their own decisions, except in those limited areas where there is an overwhelming public interest.

Every time legislation takes away our right to choose, it diminishes us. Every time legislation diverts work from productive activity to unproductive paper-pushing, it reduces the ability of the economy to maintain our standard of living. You can't have more by producing less.

It is entirely legitimate for each of you, as individuals, to believe that every farmer in the province should support one of the three listed general farm organizations and that it is not enough for the individual farmer to belong either to a more narrowly based farm organization or to a more general business organization. However, it is fundamentally wrong to abuse your power by trying to force it with legislation.

Bill 42 forces each farmer to complete forms and provide a cheque to one of the three approved GFOs. The alternative is to apply for a religious exemption or to forgo the refund of farm property taxes, taxes that should never be collected in the first place, and access to other ministry programs.

Unlike the initial stable funding proposal, there is a provision for the farmer to fill out even more forms in order to eventually get a refund, but many questions remain: When will the reform come? If the cheque is sent out on January 1, will the money come back in time to help pay the spring planting bill, in time to pay for spray materials, harvest costs, or even later? Who pays the interest? Or is this going to be a free loan?

What is a religion? Does a profound belief in true democracy qualify as a religious exemption? What option is available to those who prefer not to give their name and address to any of the three GFOs? And what about the powers of the independent tribunal? Is this bureaucracy really necessary?

There is a quote from a Japanese movie that is relevant here. I've never seen the movie and the title escapes me, but the lines spoken by a government official were brought to my attention and made a lasting impression: "Our crime is that we steal time from the

people. We talk and talk. We put them off with forms, with debate and with reorganizations. We think we are not corrupt, that we are working for the people. But we steal from them every day by wasting their time."

Who will pay farmers for the time taken away from doing productive work to fill out the forms? And where will that money come from?

There is one more major problem. One of our major roles for the chamber of commerce as a provincial business organization is to have an impact on Ontario's legislation, to advocate and support legislation that we believe is positive for the economy, to attempt to modify and if necessary oppose legislation that is negative for the economy. That role requires objectivity and independence.

If we were to become dependent on a piece of provincial legislation for our funding, it would seriously handicap our objectivity and our independence. We would not be able to properly fulfil our responsibilities to our business members.

The GFOs would face the same problem. If they are to become a branch of government, make them a branch of government. If they are to independently represent the interests of farmers to the government, then let them be independent.

The Ontario Chamber of Commerce sympathizes with the financial constraints and frustration at free riders faced by the GFOs, and we share those same problems. However, Bill 42 is a fundamentally flawed solution to that problem. We ask you to step back, look at the issue in a broader perspective and let it fade into oblivion for the bad idea that it is.

Ross, would you like to make some comments?

Mr Ross Procter: Thank you, Don. First I'd like to say thanks for the opportunity to meet with this group.

I bought a book a couple of weeks ago and in it I read, "It's prudent to spend less time trying to figure out who's right and more time trying to figure out what's right." I think sometimes in these kinds of deliberations we get personal conflicts and not ideas, and I think we're here to discuss ideas and not who's right.

Yesterday I sat in, as some of you will remember, and it seemed to me that there was some serious consideration about a vote. There was even more serious discussion about having a vote three years down the line after there's a track record. So I would ask you, would you be happy if I were to propose that three years after Audrey or Jean or Kim or Preston or Mel—I don't know how we'd quite choose who that person should be, but after they had been in power for three years, would you people vote with me to refer that to the Senate to decide whether there should be a vote to keep one of those people in power? It's almost laughable, isn't it? I see some people laughing. That's what you're proposing for this.

On the issue of a vote, I believe it's a saleable proposition. I understand—I've been in small politics in the local township—and I know people come and lobby you and they want you to do this and they want you to do that and it's pretty hard to ride the fence. It's pretty hard to know what you should do.

1020

Some of you will know of George Morris, a friend of mine. He says, "If you want to know how fast the river is flowing, you better ask the person who's in the river, not the guy standing on the bank." A vote asks the person in the river. Plainly, who's to say how the vote will turn out?

I was reading Hansard and it was kind of jumbled, the facts that I got, and I had difficulty, but I'd suggest to Mr Villeneuve that if this proposition is as good as he suggested it was in Hansard, I think he should come with me and propose a vote because he'd have to win. However, if the vote is held and if the vote is held at the start, it's much easier.

Another little thing that I read in this book I have is that it's a whole lot easier to let a cat out of the bag than to put it back in. So we have the vote first and we let the people in the river decide who we are, not the people standing on the banks. Looking at it from the proponents of the bill, if they win, terrific; they know they've won and they have backing like the Union des producteurs agricoles had in Quebec. If they lose, well, they have to go back and redo it. Is there anything wrong with that? If I lose, I will abide by the decision of the people on the back concession.

I think a vote held before this legislation is enacted is saleable from a politician's point of view and would satisfy all opponents.

Mrs Ellen Lowry: I've come with two questions which I would like answered from the committee if it could, and the first one is, who is lobbying government for this registration?

The second one is, based on Bill 42, the legislation itself in the setup of this tribunal seems to have given it fairly broad, sweeping powers and it's left independent. For instance, the tribunal starts making decisions that are impacting negatively on farmers. Who is accountable for it? Those are my two questions.

The Vice-Chair (Mr Mike Cooper): Thank you. We'll go to questions from each of the caucuses. You have about three or four minutes each. Ms Fawcett.

Mrs Joan M. Fawcett (Northumberland): Thank you for coming today and putting forward a very thoughtful presentation.

If I could refer to the paragraph at the bottom of page 2, where you say, "Bill 42 forces each farmer to complete forms and provide a cheque to one of the" two "approved GFOs," do you have a real problem with filling out a registration form? I know that you have a

problem with the cheque going to one—well, I guess it's one of two of the general farm organizations, but do you have a problem with registering with the government so that you can then access provincial programs? To my knowledge, farmers do have to fill out forms for other programs.

Mr Eastman: If I might, I think there's already an immense burden of forms out there. In terms of changing what's currently required of farmers to simplify that and incorporating that registration as part of that, I think we would be in agreement. But if this is going to be simply an additional piece of paper on top of everything that's already being done, there's got to be a better way.

Mrs Fawcett: Now, have you seen the draft registration form? Do you know what is being required on that?

Mr Eastman: No, I have not, but it strikes me that it is something that should be possible to incorporate into such things as the farm tax rebate program.

Mrs Lowry: One thing I'd like to comment on is the fact that the tribunal can change the registration as it deems necessary and change what's needed in that registration. There seems to be—

Mrs Fawcett: Under the regulation part of the bill.

Mrs Lowry: —a list under the regulations. So you know those regulations. Farmers have seen this before. You sign up into a program and then the government gets to change the rules.

Mrs Fawcett: Yes, I know that has happened.

Mrs Lowry: Who is asking for this registration? Who's lobbying the government for this registration? That has never been answered.

Mrs Fawcett: Possibly we could get clarification.

Mr Paul Klopp (Huron): Yes, I can give clarification of that. I guess before I became an elected representative for the great county of Huron, actually I was lobbied. I know that many farmers have brought this up. In fact, it was an election issue in the last provincial election, so I think there have been lots of people talking. Some have disagreed, some have agreed, but it has been actually asked by many farmers and farm organizations and individuals who said government should look at some form of stable funding for farmers of Ontario.

Mrs Lowry: No, I'm not asking about stable funding; I'm asking about the registration. Who's lobbying for that registration?

Mr Klopp: That was something that we, as elected officials, realized, that we don't have a handle on just how many farmers there are. One of the things that some of the people say who think there are no farm problems—and I don't know if you think there are farm problems or not but I do believe there are farm problems. They say, "Well, there's lots of farmers out there," and they pull numbers: 116,000, 50,000, 30,000.

We want to get a handle on how many farmers there are out there so we can help.

Then, it also helps to spend money properly and a lot more wisely. I think that is a fair thing. That's why we think this is a nice way to do it, to get registered so that we can have a better handle on things.

Mrs Lowry: So it's the government's decision; it's the one which is forcing this registration? Is that what you're saying?

Mr Klopp: I think it is a wise move to know exactly how many farmers there are so we can have a better handle on things.

Mrs Lowry: You mean I can get information from publication 20, this new census?

Mr Klopp: Unfortunately, it isn't that simple. Elmer made the quote the other day. He asked how many farmers there are, and we really couldn't say how many farmers there are in Ontario who are producing food, big, small or whatever.

In fact, I think in the last few days we've seen numbers from 116,000 to 70,000 to 20,000, so this will allow us, I think, to get a fairly simple and cost-effective way to get it through this registration.

Mrs Lowry: So the information in publication 20 isn't accurate? It breaks it right down.

Mr Klopp: This will make it more accurate, ma'am. We're always trying to get things more accurate.

The Vice-Chair: Mr Cleary, one minute.

Mr John C. Cleary (Cornwall): How big a board is the Ontario Chamber of Commerce policy section? Do you have representatives, and I'm sure you do, from all over the province on that board?

Mr Eastman: The Ontario Chamber of Commerce works essentially as a federation, so we have direct business members but primarily we have over 200 local chambers of commerce that are affiliated through the chamber. It's our responsibility at the Ontario chamber to represent the chamber movement on provincial issues. It's largely a volunteer activity. We have limited staff. It's difficult to add up the total number of volunteers who are active on provincial policy issues. So there are a number of active committees.

Mr Cleary: Another question that you had in your brief, and it has come up many times before, about the cheque: When will that be transferred back to the farm organization? I know there have been a lot of complaints over the years about government cheques not getting out in time for spring planting and everything, so I really know where you're coming from.

After the cheque is mailed in to the government, how many days do you think should be on that before it be transferred to one of the farm organizations? What would you see as a time frame?

Mr Eastman: You're talking about the time from

when the application for refund is made by the farmer to the time that should come back. We maintain that cheque should never have to go in the first place.

Mr Cleary: Oh, okay.

The Vice-Chair: Mr Offer, one brief question.

Mr Steven Offer (Mississauga North): Mr Cleary asked my question. Thank you.

The Vice-Chair: Thank you. Mr Villeneuve.

Mr Noble Villeneuve (S-D-G & East Grenville): I'll try and be brief. Article 33 says that everything's in the hands of the minister. Could you accept the fact that in three years' time the question would be returned to a committee of the Legislature, and if indeed there has been wrongdoing by the GFOs, by the board that controls them, that it comes back to this Legislature? Could you agree to that if this bill is going through?

1030

Mr Eastman: It's not a question of wrongdoing; it's a question of forcing people to do things that they would not do voluntarily and what role that has in our democratic society.

Mr Villeneuve: The chamber is a very highly respected organization throughout Ontario. I belonged to the chamber at one time. You represent a spectrum of many businesses. Could you state me a business other than farming that purchases retail and sells wholesale with no say on the value of the product at the store door?

Mr Eastman: In the first place, let me suggest that while that problem is true of some parts of farming community, it's not true throughout the farming community.

Mr Villeneuve: Not many farmers sell retail.

Mr Eastman: Even those who do not sell retail, there are some who have some influence on the price side. I won't claim that's a lot. Let me suggest that, for instance, most of your resource farms are not able to set their own prices. They're set on world markets in the same way that the farm products are. It doesn't matter if you're producing nickel or selling lumber; the individual producer has no say in how much that lumber is going to be sold for.

Mr Villeneuve: But being a large oligopoly where we have either 35,000 or 110,000 individual producers, quite obviously—and I can't think of any other business that's in the kind of dichotomy that agriculture is in. Therefore, would you agree that we're dealing with a somewhat unique type of production: production of food, perishable, a very inelastic demand? And yes, we have to compete.

Mr Eastman: I think that every industry has its own unique problems. That's why in addition to the general business organizations there are more specific ones. We're not opposed to the OFA at all. I think they do a

tremendous job, but that's not the issue.

Mr Procter: I think this is a good point. I was a feed salesman for 17 years and we asked a price. How often have you paid what the guy asked you? How often have you paid what the list price was on the car? We happen to be farmers now. We sell breeding stock, we put a price on our animals and we don't always get it. The ones that we sell freely we take to a public auction.

I think what you're talking about is gobbledegook. Think about it. It's just business and, except under something like this, no one I know is guaranteed a particular price. What's a rebate on a car of \$1,000 if it isn't a lowering of the list price?

Mrs Lowry: I think the point of this legislation is that government is dictating who's going to represent farmers. Where is the value to the farmers? I see the value to the government and I see the value to the GFOs. Where is the value to the farmers?

Mr Villeneuve: I can tell you the grain producers in 1990 were getting more for their grain than they were getting in 1990, 1991, 1992, 1993, and it may be—

Mrs Lowry: So that's the fault—

Mr Villeneuve: —gobbledegook in someone's idea, but I still think it's a very real fact of life that farmers have had to tighten their belts.

The Ministry of Agriculture and Food cut back its budget 10% last year and 10% again this year. I'm not sure exactly what's happening there, but there's got to be a better way. I say that in three years down the road we look at this rather unique animal that will be travelling the rural routes of Ontario, as the GFOs, and we say, "If you're not doing your job, then whoever sits on a committee elected by the public will say: 'Hey, that's enough. We vote or we dismantle.'" I think we should look at it in a somewhat more positive light.

Mrs Lowry: Is the fact that this legislation is going through going to increase the price of grain?

Mr Villeneuve: It would bring pressure to bear on governments. No other ministry has suffered a 10% reduction in the last two years.

Mrs Lowry: The OFA has given scads of documents to this government showing the discrepancies and where agriculture is leading and it's been the government's initiative not to act on it, or not to set up a long-term policy to support agriculture. It's been the government's decision not to act on it, not the OFA's or whatever group it was.

Mr Villeneuve: Too bad we only have half an hour.

The Vice-Chair: Thank you. Mr Murdoch.

Mr Bill Murdoch (Grey-Owen Sound): You point out in your brief that the farmer has to complete a form. Are you opposed to the forms we complete to get a farm tax rebate? We fill out a form there also.

Mr Eastman: We fill out lots of forms.

Mr Murdoch: I know, and that's what you're saying. This shouldn't have to happen.

Mr Eastman: I'm saying that when we wind up taking time from people, we need to understand what we're doing, that it isn't a free ride and that unless it's really absolutely necessary—

Mr Murdoch: What I was really getting at is that the form I have been shown—it's a draft form, mind you—is not any worse than the form that we fill out basically to get our farm tax rebate. Maybe there's a little more to it, but not a lot. I don't think that should be an issue at all, because we do fill out forms all the time as farmers, and then we wouldn't have to fill out the other forms.

Mr Eastman: If you don't have to fill out the other form, if there is some form of integration to reduce the overall paperwork burden, that's another issue.

Mr Murdoch: Okay. We don't have any more time.

Mr Len Wood (Cochrane North): Do any of your members belong to any farm organization at the present time that you're aware of?

Mrs Lowry: Yes.

Mr Eastman: I'm a member of the grape marketing board.

Mr Procter: I'm actually pinch-hitting for Joe Maxwell, who was not able to be here. He's a member of the OFA. He's also a member of the chamber of commerce. I can only speak for him.

Mr Wood: I've noticed in your presentation, in the final wrapup you're saying you feel the legislation is flawed and should be forgotten about, abolished or whatever, not to proceed with it.

Do you not feel that people are actually voting with their chequebooks? There's a voting procedure that if they send in a cheque for \$150, they will get a rebate within a 30-day period, or promptly, as they say. Some have suggested 30 days would be a reasonable time. Do you not feel that this is a proper voting procedure that is being held, and they're registering at the same time so the government would know how many farmers, legitimate farmers, there are throughout the province. At the same time, it would be helping out the communities.

Mr Eastman: In terms of voting procedure, I think the correct one is the one we've got right now, which is that if you support the organization, you ante up and pay your membership fee, and if you don't, you either support another organization that you feel reflects your interests better or you represent yourself or you keep your hand in your pocket. That's true of all of the volunteer organizations that we currently have in the province. This represents a fundamental change from that process.

Mr Ron Hansen (Lincoln): Listening to you, Don, possibly the chamber of commerce could be one of

those other general farm organizations if people aren't happy with the two organizations there. Have you ever thought of that, the number of farmers you possibly could be representing which we call small businessmen out there? I mean, in three years maybe you'll come along and say: "We're an alternative here. We'll have an arm to wind up being a general farm organization." Have you ever thought of that?

Mr Eastman: I have thought of it, and that basically is what I was hoping I had addressed in this paper, which says, hey, that's the wrong way for us to proceed because it would seriously affect our independence and what we want to do with government. It also infringes, in our view, on what's happening to personal rights.

In terms of the straight financial end of it, frankly I think we could make some hay if we sat back and simply let this thing go through and then said, "Hey, farmers, when you get your 150 bucks back, support an organization that does help you more, the local chamber of commerce." That's not where we're coming from.

1040

The Vice-Chair: Our time's up. Mr Eastman, Mrs Lowry, Mr Procter, thank you for taking the time out of your busy schedules and presenting this morning.

Mr Offer: Mr Chair, while you're calling someone forward, can I use some of the committee's time to ask a question of the ministry staff?

The Vice-Chair: Sure. I'll call forward Mr Fred Taylor, the next presenter.

Mr Offer: I don't want to take up the deputant's time, but I'm wondering if the ministry can in the next few days report back as to whether the administrative framework is in place.

The registration is done on a calendar, it's done, for instance, on a January 1 date as opposed to a staggered type of approach. You have that type of situation, for instance, with licences. Licences are now staggered by way of birthdate. Here we're going to have this one massive wall of registrations coming in which are going to provide a further massive amount of work for the farm organizations, which may in fact provide a massive amount of work for tribunals, in a very short period of time. I don't want to take their time, but—

Mr Klopp: We can answer that right now, I think.

Ms Rita Burak: We've been doing quite a bit of thinking and planning, Mr Offer, on how, once the bill is passed, this could be implemented. In doing so, we've been discussing the feasibility of different approaches with the farm organizations. What we can do, if you would like, is perhaps give you another presentation on what the options are. But I can assure the committee that we are administratively prepared and are very conscious of the potential for administrative difficulties and we believe we can handle that.

Mr Offer: I appreciate that suggestion. I don't want

to take from the deputant's time, but maybe that could be a matter that we could discuss in the adjournment.

FRED TAYLOR

The Vice-Chair: Mr Taylor, good morning. As you're aware, you have up to a half-hour for your presentation. The committee would appreciate it if you'd leave some time during your presentation for some questions and answers from each of the caucuses.

Mr Fred Taylor: I'm sure there will be plenty of time. I'm from Grenville county, down in Noble Villeneuve's territory. Hi, Paul.

Mr Klopp: How are you doing?

Mr Taylor: I milk 60 cows with two partners in eastern Ontario. We're both in the 34 age group.

Actually, I feel kind of lonely compared to the platoon that was here just previous to me. The one fellow was speaking sort of in forms of aphorisms, and I think the one thing he was saying, if I can remember, was that if you want to ask a person the speed of the water, ask the person who's in the water.

At the tender young age of 34, I'm deeply in the water. We're hanging in there and we're doing okay, but I'll tell you there's nothing more important to us than knowing we've got a professional and well-funded farm organization out there to assist us in the things that we're doing.

I guess at the outset I'd like to thank two people. I was also reading Hansard and Ms Joan Fawcett and Noble were very positive on the farm funding act coming up and I really appreciate your comments.

Thank you for this opportunity to speak to your committee about this subject of really great importance. I should apologize for some of the typos; we were dead deep in some fieldwork this past week and I kind of rushed this through. I did go to school. I can write, but I can't type worth a damn because I didn't take grade 9 typing, and that's to my discredit.

The agriculture community is aggressive and forward-thinking people for whom change and the expectation of change is not to be feared, it is to be managed. This is in essence and practicality what Bill 42 is about, developing the proper self-sustaining financial environment for farmers to self-manage change.

As dry and raw as numbers are, we need a few of them to set the stage: 68,000 census farms in Ontario, 274,000 farm tax rebates, 120,000 individuals filing federal farm tax returns. Obviously there are some conflicting numbers since nobody has truly identified who the bona fide farmer is. Understandably, this can cause problems in the effective focusing and delivering of programs, in addition to the analysis of needs for the development of policy to meet agriculture's long-term goals. Indeed, this is one of the main challenges facing farm organizations and governments and farmers as we look to the future.

Bill 42, farmer registration, is a concept ready for reality. We need proper funding of agriculture organizations to do quality broad-based as well as fine-tuned research and analysis. Thus, we will be able to meet and identify needs and opportunities on a regional basis but also on how they fit into the national and international milieu. These opportunities could range anywhere from niche markets to being effective participants in national agricultural policy formulation, at the same time relieving governments from the burden and worry of political ramifications of rural issues as we would be speaking as a unified industry voice, and there's no underestimating the value of that.

That all sounds somewhat grandiose. Are there contrary opinions? They range anywhere from McCarthyism throwbacks who call this a communist plot to those just too cheap to pay their way.

Their concerns can be answered in five simple points: The fee is 100% refundable; religious groups, such as Mennonites, are respected; 25% of the fees will be returned to the local level; democracy comes in the form of a signed cheque; and the funds can be directed to the farm organization with an Ontario charter of the individual's choice.

Clearly Bill 42 is both democratic and roots-based legislation. One would think this close to ideal.

We can't underestimate the challenges or expectations the qualifying farm organizations will be confronted with with the passing of the farmer registration act. It no longer will be acceptable to run to government with our hands out demanding something be done about our plight. Our responsibility will be to develop sound socially, financially and equitably delivered and administered programs in cooperation with other farm groups and government—no small undertaking, as I'm sure you realize. However, it will be farmers working with farmers and we have only ourselves to blame if it doesn't work.

The term "social contract" is probably somewhat familiar to all of you. Bill 42 represents our social contract to the people and government of Ontario. It is our intention through this bill to be a total participant in the renewal of Ontario's economy.

The Vice-Chair: Thank you. Time for questions, just over 10 minutes each.

Mr Villeneuve: Thank you, Fred, for coming all the way from eastern Ontario to be with us this morning.

Mr Taylor: I was real happy that Toronto traffic was light this morning.

Mr Villeneuve: Good. You operate a dairy farm with your brother.

Mr Taylor: No, with a partner.

Mr Villeneuve: In the financial end of things, how important is the farm tax rebate to your operation?

Mr Taylor: Well, it's really pretty important. Coming up with the numbers, it's probably worth a few thousand dollars a year to us.

Mr Villeneuve: I tend to agree with the previous people that indeed that probably should never be paid. However, that's in the system now, and to charge agricultural operations on the land and buildings to fund the school system is certainly not fair. It's a matter of registering, at this stage of the game, if you want to participate in that and some other specified agricultural support through the government of Ontario.

You are under a supply-managed operation.

Mr Taylor: That's right.

Mr Villeneuve: Many people think that is a situation where the consumer is being gouged. Could you just expand on that a little bit? Supply management in the dairy business has been here for over 25 years, and I'm not saying that it couldn't be to some degree improved. I know GATT negotiations are going on. We're maybe getting a little bit away from the GFO, but indeed GFOs have been lobbying federal government and provincial government, and I think to some degree successfully. I think GFOs were primarily responsible for a very large demonstration in February 1992 on Parliament Hill. I'm sure you were there. I was there.

Yet we also have farmers who are saying that supply management should be done away with, and therein is the dichotomy and the problem with attempting to represent agriculture.

What's good for you—we had a prime example yesterday that if indeed we didn't have tripartite, this stocker-feeder could get his livestock a lot cheaper but in so doing the cow-calf man would go broke and then he'd probably have to go to the States to get calves. We don't know. But I think we have to work together. I want some comments from someone who is in the river. I don't know whether you're swimming up current or down current, but you're in the river.

1050

Mr Taylor: I think we're treading water right now. Boy, where do you start on that particular one? I think it's intensely important, first of all, that we have farm organizations that represent us effectively everywhere, from the national to the international scene. I mean, whether farmers like it or not, we are part of the international and global environment, and the economic environment, and we have farm organizations competing against us in other countries around the world that are getting pretty doggone good deals out of their governments. If we're going to compete in the global marketplace, no matter what the product is, then we need effective farm lobbies in our own country to implement plans to counter the plans they're getting in their countries

On a smaller basis, consumers are not being gouged

in their food dollar, or they're not being gouged by the dairy farmers. What did we take? A 15% cut over the last few years in our market share quota. The last one we had probably cost us \$6,800 off the top of our income. That doesn't put you out of business, but it makes you sure rationalize what you're doing. As you were saying, cutbacks are nothing new to the farmers.

I had this argument with my uncle one day. The people out there calling for the end of the milk marketing board or the supply management system, that's fine with me if you're also willing to give up your right to collective bargaining. Whether you're working for the government, GM or whomever, if you're prepared to give up the power of that collective bargaining approach, fine, I'm willing to work in that environment too, and may the best man or woman rise to the top.

But that isn't reality. The reality of it is that in today's marketplace we need to have the power of collective bargaining. I don't mean to put that in terms of we're all going to get together and we're going to pounce on the consumer and get every little last bit that we can, because we have to be extremely market-sensitive, and we are. We can see that the way the quota is being adjusted. But it's a unified approach that we need in developing policy. You talk about tripartite; I see this as a tripartite thing too, farm organizations and farmers and government working together.

Mr Villeneuve: I don't want to monopolize here. I'll yield to my two colleagues here, both of whom are cow-calf producers.

Mr Taylor: I was in Alberta for a week about two weeks ago.

Mr Murdoch: One of the complaints we're receiving about the bill, or putting the bill in, is that there are farmers who would like a vote. I have some difficulty as to how we would do that. Do you have any ideas? What do you think of this vote concept?

Mr Taylor: I'd like to know how you're going to get all the ballots out there. I mean, we just went through three different sets of numbers and we don't even know—and in addition to that, I think we have the right to the refunding of the \$150. If a guy doesn't want to be a member of the farm organization, he doesn't send the cheque in. I don't think there's anything too complicated about that.

Mr Murdoch: I don't know the answer to that.

Mr Taylor: Well, I do.

Mr Murdoch: Yes, we don't have it, but there are people who come here who are going to tell us that they think this is the way it has to be. Of course, we're here to listen to them, but they've got to find a way of doing that. Unfortunately, we did have a vote at one time, and I think it got messed up. A lot of people voted who shouldn't have voted.

Mr Taylor: That's not the first time there was a

vote. There was a general farm organizations vote going back a long time and it caused considerable division in farm organizations, with one particular farm organization fortunately coming out on top of that one.

Mr Murdoch: One of the things about this bill is that I think farmers have always been very independent but we've never had a strong voice at Queen's Park that we could get unified. We have strong voices by different organizations, but it was never unified. You had the OFA or the Christian Farmers going their different ways. This would be one way of sort of putting everybody together so that government is going to maybe have to listen.

Mr Taylor: In addition to that there is going to be some rationalization in what particular issues farm organizations handle. They're handling issues pertaining to the commodities and you will also see that develop within the general farm organizations too. I think the Christian Farmers organization has a certain direction that it likes and there are issues that maybe it would be most effective and most interested in hand-ling.

Mr Murdoch: I'm sure you don't, but I'll ask you this: You don't have any trouble with the forms you have to fill out now and things like that?

Mr Taylor: That's a fact of life. Probably one of those forms takes about five minutes to fill out.

Mr Murdoch: As long as it isn't too complicated, and we've been assured it won't be—we do have a draft now. I've looked at it and it's not much different from the one we fill out to get our tax rebate, which isn't too bad.

Mr Taylor: No.

Mr Hansen: Are you a member of the OFA or the Christian Farmers?

Mr Taylor: The OFA. As a matter of fact, both partners pay the 150 bucks, so we're actually paying \$300 a year to the OFA.

Mr Hansen: I find that a lot of farmers who are in one of the marketing board areas feel that they're protected by the marketing board and haven't joined one of the general farm organizations. They feel the protection's there, but I think what we have to take a look at is that there are over 200 products raised here in Ontario. One could be bee-keeping, which is a very small commodity. If you put all the bee-keepers together, there's a very small voice if they're talking to government. But do you agree that with the general farm organizations there would be a bigger voice for some of these small commodity farmers?

Mr Taylor: Absolutely. The bee-keepers have their organization, but I believe they also have representation on the OFA board as well. I think—well, I can't speak for the bee-keepers.

Mr Hansen: I just threw one out that's not a large commodity like the milk marketing board.

Mr Taylor: Certainly, for the smaller organizations, finding a voice that will be listened to and effectively responded to within the confines of a greater organization, adding a power base to that, would add to their ability to get things done for themselves.

Mr Hansen: Do you feel the farm organizations, with sufficient funding, will find out what's going on in, say, the United States or Europe or new technologies involved that sometimes maybe government could be missing? Do you think they would be possibly more advanced than maybe sometimes government is?

Mr Taylor: The best way, I think, to drive research is by having a grass roots saying to you, "We need to know this." I know farmers out there who have gone off and done their own research work and probably found out things and ways to operate their business that had never been thought of by the government. The corollary to that is if you have this real good roots-based organization getting feedback from the farmers and that sort of thing, it could go and more effectively lobby or effectively do research work and that kind of nature. I think what we're looking at in this whole process is farmer organizations being better funded, being more self-reliant and doing their own policy development and research work very well connected to their needs.

Mr Hansen: Do you feel some farmers who are opposed to it have never joined an organization and don't know all the benefits? Could you tell me one benefit that you received in the last maybe six months for being a member of the OFA—not the milk marketing board, but the OFA.

Mr Taylor: The allusion to the farm tax rebate is a pretty obvious one. That's the most obvious one, the one we work the hardest for. There are a whole range of other benefits that are available in terms that you don't see immediately. You don't go to your mailbox and see a cheque there as a result of that or an addition to your income, but it's sort of a holistic thing. They're looking at all the issues.

Mr Hansen: Do you think the 40,000 farmers who converged on Ottawa in February 1992—I was there also; I didn't see Noble; there were too many us there, I guess—but do you feel that rally would've taken place to demonstrate the feeling of farmers if everyone were an independent farmer not belonging to a GFO?

Mr Taylor: It would've been a real problem gathering people together to get that done. No, it would never have been as effective. I just don't see how we could've gotten those thousands of guys—and women, sorry; thousands of people—on the hill without the coordinating activities of the various farm organizations.

1100

Mr Hansen: Were you a graduate of the agriculture alumni?

Mr Taylor: Do you mean the University of Guelph?

Mr Hansen: No, the advanced studies in agriculture.

Mr Taylor: Oh, no.

Mr Hansen: No, I just thought, because you seem to be quite up on all the agricultural issues there, so—

Mr Taylor: I have no other choice.

Mr Wood: Just briefly, it's good to see the excellent presentation you've brought forward, with a positive reaction to Bill 42, compared to the previous one, which was a very negative thing, that it should be scrapped and we shouldn't be talking about it.

Just getting back to the procedure of the \$150, you made a comment, I believe, along the lines that you felt that this was a voting procedure, that people were voting, that they had a chance to ask for a refund, or, if they didn't want to vote at all, they just don't bother sending in the \$150 or filling out the registration forms.

Mr Taylor: Well, yes.

Mr Wood: I just want to see your reaction or if you wanted to elaborate further on that.

Mr Taylor: The whole concept here is that we have a situation where I think—because I have been involved with OFA a little bit, though I am speaking on my own behalf here or on our farm's behalf—we have a situation where there's a farm organization there that has in and around a 20,000 membership base. But any policy that the OFA goes to work on, all farmers are beneficiaries of that but they didn't all pay their fair share.

It's a real problem with me when somebody sits here and says that they're worried about getting the \$150 cheque back in time to put their crop in. If \$150 is going to make the difference between whether or not you can put your crop in, then I think you'd better find another area to work in.

Mr Wood: They shouldn't be in farming.

Mr Taylor: No. Let's face it: I know people whose wives are nurses and they would laugh at the \$150 fee that they pay in terms of their union membership. As I said, we're paying \$300 a year out of our farm. That doesn't bother me, because I think we're getting some pretty effective lobbying efforts as a result of that.

Mrs Fawcett: I thank you for your kind remarks and I also want to say that in my other life as a teacher you don't have to apologize in any way for your brief.

Mr Taylor: I always hoped I'd get graded on my content instead of my grammar.

Mrs Fawcett: That's right. That's what counts. Other presenters have said this bill creates undue force on people to join a group. Do you feel you are really being forced here?

Mr Taylor: Absolutely not, no.

Mrs Fawcett: That's very interesting, because there are some who would really say that democracy isn't being served, and it's nice to hear somebody from the other side. But we must listen to both sides.

Mr Taylor: Yes.

Mr Offer: Thank you very much for your brief. I think it really did bring out from your perspective some of the aspects of the bill. It's certainly, I want to tell you, going to be very helpful when we deal with the bill in the clause-by-clause portion of this process.

There's no question that you've thought about this for some time. When it says the fee is 100% refundable, under the bill it just says that the cheque should be promptly refunded. From your perspective, there's no time period put in there, so "promptly" is sort of in the mind of the person who's refunding, who might be different from the person who's receiving.

Do you think we should be thinking about putting a time period in there instead of "promptly," some more definite period of time?

Mr Taylor: I haven't thought of it, but I suppose that's a bureaucratic thing that you could put in there. If it doesn't get back, does the guy get paid interest on his \$150, for all that amounts to? From my perspective, it's in the farm organization's own best interest, whatever it might be, to be sure that it is gotten back to the farmer in the most rapid time, because we're not into this discussion to generate any additional bad feelings. Is it important to have a time limit in there? I don't know. I honestly don't think so.

Mr Offer: Right. Thank you for your presentation. It was quite helpful for me.

Mr Cleary: Mr Taylor, it's always good to see someone in Toronto from eastern Ontario. You have been pretty positive on this bill. As you know, this committee is having some problems because one of the farm organizations has pulled away now. We have some other groups throughout Ontario that are not happy, that would like to see a vote on this legislation. Being you're so positive on it, what advice might you have for the committee and for those other residents of Ontario who have some concerns?

Mr Taylor: My advice? Listen to me and ignore everybody else, I guess.

Mr Cleary: When were you elected?

Mr Taylor: Is that autocratic enough? I understand the process and that you need to listen to everybody. I think you have to be really careful about groups that claim they are—why not speak straight? There is an organization that calls itself the Silent Majority, and I think you've got to be really careful of that, because I honestly do not believe that it is the silent majority. What's the concept here? Not to be specific, the concept here is that there are a lot of people out there and there are organizations that give themselves titles that don't necessarily reflect what is going on and the thinking of the people whom they claim to represent.

What does that mean to you as a committee? What it means to me, as I say it, is that the organizations and

the farmers to listen to are the guys who are paying the bills and the guys who have the most at stake.

The Vice-Chair: Mr Taylor, thank you for taking the time out of your busy schedule and giving us your presentation today. I hope you keep yourself apprised of what's going on in the committee.

This committee will take a five-minute recess to give our next presenters, who have just arrived, time to catch their breath.

The committee recessed from 1107 to 1117.

GEORGE BLACK

WES SPARLING

BRIAN MILNE

The Vice-Chair: Our next presenters are from the Grey County Federation of Agriculture. Welcome. You're allowed up to a half-hour for your presentation; the committee would appreciate it if you'd allow time for questions from each of the caucuses. Please identify yourselves for the record and then proceed.

Mr George Black: Thank you, Mr Chairman, and good morning to all the members of the committee. My name is George Black and I am the president of the Grey County Federation of Agriculture. I am a beef and hog farmer in the centre of Grey county, a cow-calf operation, and run a family farm with my father and the rest of my family. I have brought with me today two other farmers from Grey county and I'll let each of them introduce themselves.

Mr Wes Sparling: I'm Wes Sparling. I'm a sheep and cow-calf farmer from the north of Grey. I'm also the director for OFA representing Grey north.

Mr Brian Milne: I'm Brian Milne. I'm a hog and beef farmer from Grey county. I farm 300 acres with my father. Thanks for inviting me.

Mr Black: We don't have any written presentation today for the committee. We are here in support of Bill 42, the farmer registration and stable funding act. I'm speaking on my own personal behalf. I'm not here representing the Grey County Federation of Agriculture, although I am president. I'm speaking as a farmer.

I'm very much in support of Bill 42, the farmer registration and stable funding act. I think it's long overdue; we've needed something like this. The farm lobby requires a strong lobby at Queen's Park or at Ottawa, wherever it might be. Without sufficient funding, we can't be a strong lobby. The way I look at this, as a farmer, I feel that I personally can't go and lobby, but I can send somebody on my behalf. Those people who have to go and lobby have to be able to finance the research and finance the people at Queen's Park or at Ottawa to lobby on our behalf. This farmer registration mechanism gives us an avenue to have a predictable source of income. As a farm lobby—I'm not speaking on behalf of the OFA—any lobby group that represents the farmers of this province, we are there, the

lone voice lobbying against all the other forces: environmental, animal activists, you name it. They're there lobbying, and they're there lobbying with big budgets. The farm community hasn't got the finances behind it. To me, this bill would allow us to have some sort of stable, predictable funding for our efforts.

I also feel very strongly that there are a lot of people out there requesting a vote on this issue. I personally don't think we need a vote. Our time could be far better spent looking at the issues and dealing with the farmers of Ontario rather than up and down the roadsides in a vote. I feel that by having the refundable clause in the legislation, that's an adequate vote. Each year, as the farmer renews his registration, he is able to request his refund. To me, that is ample avenue for showing your pleasure or displeasure.

Maybe at this point I'll turn it over to Wes and Brian. I feel more comfortable answering questions than I do speaking off the cuff, so I'll turn it over to Wes and Brian and maybe they could add a little bit and then we could have questions.

Mr Sparling: I'm in full support of Bill 42, the Farm Registration and Farm Organizations Funding Act, for a number of reasons. I feel the OFA has achieved many rights and gains for farmers, including the farm property tax rebate, credit policies, safety nets and many, many more; I'm not going to go on about those.

The farm property tax rebate has the biggest impact on most farmers. In fact, for myself it means about \$1,800 a year. At this time the rebate is even more important since the termination of Red Meat II, because it has meant a loss of nearly \$2,000 in incentives for ration formulation, herd health and weighing calves and lambs. I think most farmers are finding that this rebate is really more important these days than what it was maybe three or four years ago. Pretty well all farmers benefit directly from this rebate, but only about a third are willing to pay to help keep the OFA working for benefits like these for our farmers. I feel it's only fair for anyone who's going to benefit from the gains made by the organization that they should also be willing to pay.

By having all farmers registered, I think farmers might be more likely to speak with one voice and hence be a more effective lobbying group. Having been a member of the Ontario Secondary School Teachers' Federation from 1970 until 1988, I'm well aware of how a well-funded organization is able to gain regular increases in salary, improved benefit packages and better working conditions such as lower pupil-teacher ratios. I feel that if everyone paid into a farm organization, it would be just as able to do similar things for farmers as what the OSSTF has done for teachers.

At the present time, with the government cutbacks to many programs, the increased taxes and even uncertain

weather in the province, I think it's extremely important that we have an organization working for us, that it be strong, that it be well funded to be able to fight for the best interests of all farmers.

I realize there's been a lot of talk about a vote, but as George has said, since it's refundable I really see no reason for a vote. I think of the analogy of the husband and wife going into the grocery store, picking up all sorts of groceries and then coming to the cashier and holding a vote as to whether they're going to pay or not. If these farmers are going to take advantage of the benefits that OFA has gained for them, I think they should be willing to pay for these. For these reasons I'm in full support of Bill 42.

Mr Milne: I'm in full support of this bill as well, aside from the economic and financial reasons. We were talking on the way down today about various things. One thing that stuck in my mind was farm safety. There are a lot of farmers in our communities who don't have a lot of contact with OMAF or any government agencies and these people maybe aren't aware of some of the issues that are arising. They're not aware of how they can affect them. They have no idea that GATT could directly affect them nor do they care. Maybe they should care.

I think the farmer registration would give us a direct link to those people. Up to now they've ignored us, for one reason or another, but I think we need a link with those people and I think the farmer registration would give it to us.

The farmer safety thing: There are a lot of safety issues. Farm children—there's a horrendous toll taken on the children on farms. There are people who—shall we call them, for the sake of argument, lifestyle farmers who moved from the city into the country. They have no idea of the risks they're taking with some of the machinery that they buy at the machinery dealer. He doesn't care whether they know what the shield's for. He sells it to them and they're not aware of the risks they're taking with themselves or their children. We've got to get to those people and I see this as a direct link to them. The sooner we get this registration in place the sooner we can start making some improvements in the countryside as far as safety and a lot of other issues.

Mr Gary Wilson (Kingston and The Islands): Thanks very much for your presentation. Even though it's off the cuff, as you put it, it was very informative and certainly thought-provoking.

As you pointed out, you're members of the county federation of agriculture through the Ontario Federation of Agriculture. I'd be interested to hear what your motivation was in joining the federation.

Mr Black: I've been a member since 1979 and I at that time was out of Centralia College of Agricultural Technology, two years in agriculture diploma there.

When I had the general farm organization approach me about becoming a member, I felt very strongly at that time, and I still do, that the farmers need a strong voice on their behalf. I felt that myself as an individual, or any farmer as an individual, would not have the clout that the group of farmers together would have. So I felt by joining forces with all the rest of the farmers in the province that maybe my one voice could be heard. I guess that was the one reason why I joined and why I've continued to be a member for 14 years.

Mr Gary Wilson: Mr Sparling, you've made some claims for the benefits of belonging to the OSSTF, as you say you're a member of that. Do you foresee the GFOs having the same kind of effect on the benefits to farmers?

Mr Sparling: It's pretty hard to compare them. There is a comparison there, but the farming situation is so much more complex than a group of teachers joined in a federation. What I'm saying is, the teachers were able to speak with one voice. They held the idea of a strike over the boards. I don't see it happening with farmers, but if they could speak with one voice, they can pull together. I think of the Quebec farmers who seem to hold a lot of clout because they're under a mandatory membership and they all pay into it. Of course, it gives them a much larger budget than we have in Ontario here.

But I think the registration would tend to at least pull farmers together and increase interest and maybe the knowledge of these different farmers, because they'd all certainly be getting the mail from the farm organization. I just feel that it would help them to gain a bit of clout by speaking with one voice.

They're not going to do exactly the same things, but I'm sure they improve working conditions and profitability for farmers. We can all work towards these things. I wouldn't say that things would change all of a sudden; it would be something that would happen over a period of time.

Mr Black: If we didn't have a strong farm lobby, where would the farm community be today or 10 years from now, without a strong farm lobby? That's the way I look at it. We have all these other lobby groups at Queen's Park and in Ottawa continuously, and a lot of the things they're lobbying for are to the detriment of the farm community. Without a counterforce there, where would we be? That's where I see the strength of the general farm lobby, as we call it.

Mr Milne: If I could answer Mr Wilson's question of why I joined the federation, I presume it was probably for the same reason a lot of you folks became members of Parliament. I presume it was for the reason that you thought you had something to offer and it wasn't the fringe benefits because, I can tell you, there are no fringe benefits financially to being a member of the federation. It's strictly an opportunity to get some of

your ideas across and think that you can do some good. That's the reason I joined and I think it's a good reason.

Mr Hansen: Mr Black, was your dad a farmer?

Mr Black: Yes, he was.

Mr Hansen: Did he belong to the OFA?

Mr Black: Yes.

Mr Hansen: Oh, he did also, because you said you joined in 1979. I find that a lot of farmers in, let's say, the second generation, third generation, now are starting to join the OFA, finding that farming's different than it was, say, 50 or 75 years ago.

There are benefits of belonging to one of the GFOs. I know with the OFA there are health and welfare benefits for farmers, a dental program, life insurance, which are not available as an individual; they're available but at a higher price. So actually the Ontario Federation of Agriculture is saving farmers money on some of the benefits they have to buy. Is that correct?

Mr Black: It certainly is. That plan you're talking about, that extended health plan, is only available to OFA members and, because it's a group plan, there is significant savings to our members.

Mr Hansen: So there's a lot, not just the lobbying, but the family benefits and, as I say, that your voice is heard.

I was up to Owen Sound there just last week on a farm visit to Bluewater Feed and at Tara which is in Grey, I guess, and then it goes into Bruce there. Sitting on this committee this particular week, I know the feelings in my area. I haven't had any opposition and I did ask at least 10 or 12 farmers who came into the mill to find out whether they supported this particular bill and I found no one who was against the bill. I talked to some who were not members of any organization, but most of the ones who were in Tara were Christian Farmers who didn't oppose.

The one question I'd like to ask you: There was a comment made here that the membership was falling away from the Christian Farmers organization. At least one comment was made by one of the presenters that the membership loss has been because of Bill 42. Have you seen a loss in membership in the OFA in your particular area because of Bill 42?

1130

Mr Black: Actually, it's been the contrary in Grey and across the province in OFA membership. We had a membership drive in March, which is a normal time for us to do it, in the slower time of the year on the farm. We increased our membership in Grey by 135 members. Across the province, we have increased—now it fluctuates month to month—700 to 800 members. Maybe Wes could correct me if I'm wrong, but our year begins September 1 and since then we've had an increase in membership.

To add to that, doing personal membership work in my own township, I've talked to a lot of people who have been members and who have dropped their memberships. The reason they give me is their neighbour is receiving the benefits without being a member, "I'm paying my membership to get the same benefits, so I might as well keep my \$150 and get the same benefits as he has," those being any government programs that the general farm lobby for on his behalf.

Mr Sparling: I think farmers are quite concerned, because in our own little township we had about 40 members. This past spring we signed up 36 more, so we pretty well doubled our membership. People are concerned when they see the government clawing back the tax rebate, going from 100% to 75%, you know. It could go to 50% or it could go completely off the board. I think a lot of these farms are very concerned.

Mr Cleary: Thank you, gentlemen, for your presentation. It's great to see three individuals who are making their living from different sectors of farming. I guess the one thing that I should ask you: The draft registration form, have you people seen that? Are you happy with that?

Mr Black: I haven't seen it personally. I've been told what it looks like. It's a general questionnaire: name, address, generic information; and then type of farm: beef, dairy, pork; and your income with ranges, say, 10 to 20; 20 to 50; 50-plus—you know, very general. If it's the way I've had it explained to me, I agree with that. I understand that it takes five minutes maximum to complete it. So, there again, it's very simple. I would think it's probably pretty straightforward if it's the way I had it explained to me.

Mr Cleary: Mr Black, you had mentioned that you didn't think it would be necessary to have a vote on this, that you feel very strongly it's a good piece of legislation and that most farmers should be happy with it. If there was a vote—and I say if there was—do you think there would be any problem with it passing?

Mr Black: I would be pretty much assured that it would pass. My fear is that the money that would be spent to have a vote could be far better spent doing something else. That's the way I look at it. I could go up and down the roads to my neighbours and convince them to vote yes. I can find my neighbours who would vote yes. I think that our money and our time could be far better spent working for the farmers instead of operating to have a vote.

Mr Milne: If I could just add: What would be the point of the vote? The legislation now says you can have your money back if you want it. You can ask for it back, so you're voting that way. How much easier can you make it without going to the expense and time and trouble of having a vote? Lord knows what this committee's costing the government now. If we went to a vote, heaven knows what it would cost. It would just

get a lot of people pretty ticked off. It would cause, you know, rumours and things like that to go flying in every community. The farmers are no different. They just love to gossip at the coffee shop like everybody else.

Something like this would cause a lot of trouble, I think. I have no doubt in my mind it would pass, but at the same time, we don't need it. You have the opportunity to get your money back; vote with that.

Mr Cleary: I can't believe that about the farmers gossiping there.

Interjection: Only in Grey.

Mr Cleary: Only in Grey, that's what I thought.

Mr Milne: You haven't been to Grey lately.

Mr Cleary: Anyway, there are many farmers who have spoken to us, good farmers who don't feel this is the democratic way to do it. We're just trying to come up with something that will satisfy many in Ontario.

Mr Offer: I have a question. In your presentation you were talking about some of the important issues, as members of the OFA, that are being brought forward such as worker safety; you know, all of those evolving issues. They're changing and they really do affect people on the farm. The OFA, through publications and what not, is trying to bring these issues out to its members as best it can. Would you see this bill as a way in which the OFA, as one farming organization, would potentially be able to increase its membership, therefore being able to bring forward the very important issues that you raise to more people?

Mr Milne: No question. There have been various numbers thrown around as to what our membership would rise to, but there are obviously a lot of farmers out there who don't belong to any of the farm organizations for one reason or another. I myself think a lot of those reasons are because they just don't know what the organization could do for them, what information they could get from it and what services would be available.

As it stands now, the federation, as an example, almost acts as an ombudsman for some people. If they have problems with bureaucracy, who do they turn to? A lot of the farmers can't afford a lawyer, Lord knows that. So they come to the federation, and by virtue of having a lot of farmers together, the same as a group insurance, we can keep lawyers on staff or at least hire them to look into these things for us. That's a tremendous advantage or benefit to anyone who's having trouble for things like that.

The same reason with the safety issues. There are a lot of issues that should be addressed and brought to the broader farming community that just aren't now for lack of funding or lack of having a direct link. Who is a farmer?

Mr Offer: There would be other associations apart from the OFA. I know we talk, in many cases, about the OFA, but there are the Christian Farmers and what not.

I've also heard that the hog farmers' association, a particular group of individuals dealing with hog farming—and they will have a representative most likely on the OFA. They'll have their own body dealing with their own issues, but they'll also have a representative on the OFA board. Hearing what you're saying, if the hog farmers, for instance, want to become accredited, will the mere fact that they have a member on the board of another accredited organization disentitle them?

Mr Klopp: The answer to that is they can't be entitled to this program. The simple answer is no. If you look at the accreditation, how this has been looked at, that book says in there—it'll be in the regulations, the rules that you are to have for a general farm organization—one of them is that you talk about general issues, not just specific issues, ie, chicken producers, cattlemen, all the way through. It can't be a specific, one-issue group.

Mr Murdoch: I want to thank you guys for coming down and making the trip. I was getting a little worried when you weren't here on time. Normally, it's me that is late, so I'm sure they're used to somebody from Grey just coming in right in the middle but, as I say, I'm glad to see you here to make your presentations.

I was just going to ask you, as a lot of the questions have been asked, you had a booth at the Markdale Fair on the weekend. What were the people of Grey saying to you in the booth? I'm hearing what I hear, but I don't know whether you're hearing the same thing.

Mr Black: I was talking to a couple of people in the booth. One was surprised there weren't any farmers at the fair. All the farmers were home harvesting their crops, so he didn't get a feel for what the farmers thought because he wasn't confronted with any farmers.

Mr Murdoch: Just normally, what are you hearing out through Grey and Bruce?

Mr Black: I personally am hearing that we do need a strong farm lobby, not necessarily the OFA but a general farm lobby, to deal with general farm issues. To have that strong lobby, you need a well-funded organization. As you well know, you can't operate without funds. People out there realize that we need this, but they also at the same time realize that we have to have all farmers supporting it. It's the only fair thing. You can't have half or a third of the people supporting it for the other two thirds. The way I hear some of them that I talk to, it's the fairness issue and also the fact that we have to be there to counter some of these other forces that are there.

1140

Mr Murdoch: I guess, in your estimation, the vast majority of the farmers think this is a good idea, because I know there are some in Grey and other places who don't like the idea and then they get into the vote

thing and you hear them talk about that.

Mr Black: Oh, I realize it, and I'm not pretending to say that 100% support this. I know there isn't and I don't know what percentage is opposed to it, but there is definitely some opposition out there, and that's fine. But to those people I would say, "Become involved and work from the inside."

Mr Murdoch: The way the bill is set up right now it's much better than it originally came out, isn't it? It does allow this, as you say, vote with your cheque because you want your money back.

Mr Black: I'm glad they removed the fine portion of it and I can certainly support the refundability of it.

Mr Murdoch: I think most of the questions have been asked, but again I thank you for coming down. I think Leo has a question.

Mr Leo Jordan (Lanark-Renfrew): I would like to ask you regarding section 33 of the bill, which says, "After three years have elapsed since the coming into force of this act, the minister may have a review of the act to determine whether it is advisable that the act continue in force," are you satisfied that it should be in the ministry's hands or should it be in the hands of a committee of the Legislature, mandatory that a committee review it after three years to see if in fact it is functioning as we expected it to?

Mr Black: I certainly agree with a review, and there's always room for improvement, I guess. Looking three years down the road, we quite possibly could have a different government and we might not have the bill at all. But I think it should be done—

Mr Klopp: You think you're going to get rid of us?

Mr Black: I didn't say that. I think it should be done in consultation with the groups that are accredited, the minister and his staff, and it should be a joint effort.

Mr Jordan: Would you prefer it come to a committee such as this rather than be done just by the minister's decision? We're thinking of proposing an amendment there, that the minister wouldn't have the sole—

Mr Black: It states the minister has the sole—

Mr Jordan: Yes.

Mr Black: I would probably feel somewhat more comfortable if it was a committee, maybe not a committee this size but more than one person.

Mr Jordan: With some farm representation.

Mr Black: Yes, farm representation.

Mr Jordan: Right. My other question refers to the responsibilities that the general farm organizations would be taking on as a result of this bill and the increased funding. As you know, the Ministry of Agriculture and Food has already withdrawn services in the county, such as the ag rep in my county is gone. Now we come under a labour bill which is going to bring in some new regulations on farms. We come

under the building code which is going to bring in some new regulations for using ungraded lumber on farms. We're looking at the land use, we're looking at the Sewell commission report, we're looking at waste management.

Do you see a further withdrawal of government through OMAF of its services and passing them over to this general farm organization along with the costs that go with it so that in fact even though our involvement becomes more, our expenses become more for services that used to be provided through OMAF? Do you have any concerns about that?

Mr Black: I don't see government responsibility being passed to a general farm organization and the expense that goes with that. I can certainly see government cutbacks, and that's another need for this bill to go through and to have a strong general farm lobby.

As for the reallocation of responsibilities, we're not there to do the government's job. We're there to represent the farmers. So I can't see government responsibility put into a general farm organization. We're there to put the farmers' point of view across and to put ideas across to replace some of these programs that maybe you've talked about that have been there in the past, to come up with alternatives or solutions.

The Vice-Chair: Mr Black, Mr Sparling and Mr Milne, thank you for taking the time out from your busy schedules and giving us your presentation.

MURRAY GAUDREAU

The Vice-Chair: I call our next presenter, Murray Gaudreau. Good morning and welcome. You'll be allowed up to half an hour for your presentation. The committee would appreciate it if you'd allow time for questions and comments. Please identify yourself for the record and then proceed.

Mr Murray Gaudreau: I am Murray Gaudreau, the national youth vice-president of the National Farmers Union. I was elected this past January.

I'm not here representing region 3 of the National Farmers Union and I'm not here representing the National Farmers Union executive or national board. I am here because I'm a young person and I would like to get into farming some day and, talking with young people, I feel that this bill has insights into it that the youth should be concerned about and they are concerned about. So I'm bringing forward things that I've heard from young people, their questions or their comments to me, and I'm bringing them forward today. I've kind of compiled them.

First of all, my father owns a farm in Romney township near Tilbury, Ontario. For those of you who don't know where Tilbury is, I'm in Pat Hayes's riding, he's my MPP.

First of all, I'd like to tell you a little bit about the NFU. We are a voluntary membership organization of

farm families. We are democratically structured to provide direct member control over policy and leadership from the local to the national level. We are funded through the payment of annual membership dues. We are incorporated under a special act of Parliament of Canada. No other farm organization in Canada has this designation.

We are non-commercial and non-partisan in politics. We are also free from racial, religious and political discrimination. We are an organization in which men, women and youth have equal status. That's why we have a president, a vice-president, a women's president, a women's vice-president, a youth president and youth vice-president all at the national level.

When we go down to our regional and our local and district levels, we also have availability for youth, women and the presidents or the district directors, as we call them, or regional coordinators. We try and make sure that everyone has a say because on a farm it's not just one person who runs that farm, it's the family together, working together.

There is no other national farm organization in Canada designed to enable farmers to organize as farmers and learn to live with one another rather than off one another. The NFU constitution is the guarantee to members that they shall always retain full control of the NFU's policy objectives and leadership.

I would like to thank you for allowing me to speak in front of this committee today, although I am a bit upset about the location. Maybe someone could explain to me why Metro Toronto was chosen. Perhaps the number of farm families drastically increased within the city limits since the last census that I did not know about. But besides that, I feel that if this committee was truly interested in hearing what the farmers were saying, it would be going out to the farmers, to the counties, to the different regions of Ontario, listening to them.

It usually takes me two and a half hours in the summer traffic; it took me four and half hours to get here this morning. So it is not a pretty drive up from southwestern Ontario to Toronto. I feel that the committee, if it was truly interested in hearing about what the average farm families had to say, would not have limited the hearings to Metro Toronto because Metro Toronto is not the major farm centre of Ontario and it doesn't have very many farm families in the city limits, that I know about anyway.

1150

First of all, this bill has great importance for farmers in Ontario. What this bill virtually is doing is taxing farmers in order to give the moneys taxed to general farm organizations. The reason this is a tax is because the farmers are not being allowed to decide. The government is imposing this situation and tax burden on them and is not letting the farmers speak through a democratic vote.

This leads to a very serious question on whether or not we live in a democratic society that truly believes in democracy. I think that all parties in this Legislature do not, because all parties have voted in favour of the first and second readings of this bill. They are not looking at the aspects by which democracy works. In a true democracy, the people are constantly asked questions and then give back answers. Those answers, whether or not the politicians agree with them, are taken as being law because the people will then have spoken. Currently in Canada, our system of democracy includes taking your voters out of the closet every four to five years, dusting them off and asking them to pick a person, and then after they pick a person, throwing them back into the closet until the next election. In true democracy, the way people vote is almost irrelevant to the fact that the people have voted and they have done their part in helping build and shape their society.

However, I did not come here just to criticize. I do not believe in criticizing something without giving a solution to what I believe as being the problem. Therefore, the rest of my presentation will be giving you a system in order to make Bill 42 a truly democratic bill that has the best interests of farm families in mind.

There are a few facts that I believe should be put forward before I go into my proposal. The facts are:

- There was a farm group formed to oppose Bill 42 and the concept of stable funding. This group is called the Silent Majority.

- The Ontario region of the National Farmers Union, at its regional convention held July 25 and 26 of this year, voted to have its name withdrawn from the proposed legislation.

- There are roughly 10 different general farm organizations in Ontario. Those 10 general farm organizations represent only roughly 30% of all farmers in Ontario. Therefore, the other 70% of Ontario farmers don't support any general farm organization.

There are many reasons why farmers don't support general farm organizations. They may not be happy with the organization and choose not to send it funds. They may disagree with the policies of a certain GFO. They may also think that an organization has not done its job and has not been able to attain the goals that it may have set out to accomplish. Whatever the situation or excuses for farmers to not support general farm organizations, they are legitimate because the farmers truly believe this to be true. Understandably, they might feel that way. They might have grudges.

Therefore, the feelings felt by the farmers can't be corrected by having government legislate farmers to support Ontario's general farm organizations. The only way to combat the problem and to correct the feelings is if the respected GFOs were to go out and face the criticism head on and try to work out their differences

with the farmers they are supposed to represent. I don't believe that having government legislate farmers to support a general farm organization will work. The only thing that will be supported by farmers is a hatred towards the government for forcing them to pay their hard-earned money to a GFO that they don't feel is speaking for them.

If the Ontario Ministry of Agriculture and Food would like to help farmers and encourage the collectivity of farmers, it would not bring forward a bill that has divided the farm community and has turned farmer against farmer. It would also not make only three general farm organizations part of the stable funding process; it would include all Ontario general farm organizations.

The system that I am proposing is one that is derived from the Rand formula, a formula which is based entirely on democracy and the "majority rules" theory. My system would be quite simple to implement after OMAF has instituted its farm registration program. My system would then have a coming together of the general farm organizations to discuss the issues of the day. This would be similar to the setup of the Ontario Federation of Labour.

Firstly, I must state that I have no problem with the registration of farm families/businesses in Ontario. My proposal will now follow.

One year after the government has introduced its farm registration program, it would then use the data collected to make a list of all farm families/businesses eligible for a vote. The criteria for eligibility would be decided with all the general farm organizations at the table, one vote per GFO. The ministry would distribute the voting cards to each eligible voter. The vote would be on one question: Do you feel that all farmers in your county should support a general farm organization?

My plan would be on a county-by-county basis; you'd have votes county by county. If 51% of the eligible farmers voted yes to the question in that county, then that county would be deemed to be a mandatory membership county. If 51% of the eligible farmers voted no to the question, then that county would be deemed to be a voluntary membership county.

If a county is deemed a mandatory membership county, then all farmers would have to pay the membership fee to any of the general farm organizations. No GFO would be excluded from the list unless that was its choice. Also, there would have to be a space for people who, because of religious purposes, could not support a farm organization.

If farmers in a county wanted to change its designation, they would have to get the signatures of 51% of the eligible farm families or businesses on a petition and the petition would then have to be submitted to OMAF or to an all-party committee designated for this so that

the ballots for a vote could be distributed to the county. The same question would then be used in the ballot process, with the same percentage needed for the proper designation to be awarded for the county. Therefore, if that county was deemed mandatory and if 51% of the people signed a petition saying, "We don't want our county to be a mandatory membership county," the petition would be given to the branch or the all-party committee. They would then look at it and distribute the ballots, if actually 51% were there. Then the vote would be taken and 51% of the farmers would have to support the question, "Do you want your county to be a mandatory membership county?" If not, the vote would lose and the county would be a voluntary membership county.

In order to bring all general farm organizations together to discuss farm issues, we would then need a forum. I propose one that would be similar to the Ontario Federation of Labour. Each GFO would have a number of delegates to this forum of general farm organizations proportional to the farmers' support from the counties.

I believe that an Ontario Federation of Labour forum will help the coming together of GFOs to discuss the pertinent issues that face agriculture. This forum would also help the GFOs work together collectively in order to achieve common goals for all farm families and to make sure that farm families continue to be the focus of agriculture, and also the focus to be the preservation of our rural communities.

I'd like to thank you for your time and I'd be happy to answer any of the questions that you might have.

The Vice-Chair: Before we start, I'd like to apologize about the meetings being held here in Toronto. It was at the discretion of the Chair and the clerk to decide, from the advertisements that went across the province, on whether meetings should be held outside of Metro, in, say, Bruce. We did not get a large number of people from that area saying they wanted a meeting to be held there, so it was financially better to have the meetings held here. You can submit your expenses for the cost of coming here. It was cheaper than sending the committee out on the road.

Mr Gaudreau: How was it advertised? In the daily papers or the weekly farm papers?

The Vice-Chair: In the daily papers.

Mr Gaudreau: As far as I know, in most areas farmers receive the small weekly papers, so they might not have known about the process if it was not in the weekly papers. We only saw it in the Chatham Daily News and the Windsor Star. There are also 12 other small weekly papers between Chatham and Windsor, so a lot of the farmers did not see that.

The Vice-Chair: One of the problems the committee was faced with was a short time line between the time

the House rose and when we were allowed to advertise. That's why didn't have time to get into the weekly papers. Our apologies.

Mr Gaudreau: I understand.

1200

Mrs Fawcett: Thank you for a fine presentation. I congratulate you. You certainly have given some negative aspects that you consider Bill 42 has, but then you've also very clearly given us food for thought on a proposal and your ideas as to how to make something better and make it work. I really appreciate that.

One thing that has concerned me is the fact that the NFU has pulled away from being one of the accredited farm organizations. Did the youth support that?

Mr Gaudreau: Yes, they did. I was not at the regional convention because my mother passed away and I was not able to attend.

Mrs Fawcett: I'm sorry to hear that.

Mr Gaudreau: From what I heard from our Ontario youth adviser, who was just appointed—I used to be the Ontario youth adviser before I was elected national youth vice-president—she supported it and the youth at the convention did support pulling away from Bill 42.

Mrs Fawcett: I know and certainly have read about some of the reasons, but I always think, is it the best way, to pull away and then not have a voice there? Are the negative aspects really going to balance the positives of actually being there to voice your concerns rather than now? You want to maybe focus in on other aspects of agriculture; there's nothing wrong with that. But this is really a major piece of legislation. It's maybe your pipeline into the ministry. I'm just concerned about that.

Mr Gaudreau: I understand what you're saying, but there's a bit more to it than that. We are a national organization. If we were to follow this legislation, we would have to change considerably our constitution, which would change the intent of our organization. I don't believe a lot of the people at that convention were willing to change our organization.

We were provincial organizations back in the 1960s, to 1969. Then we came together because we decided that what happens in Ontario does affect Manitoba, Saskatchewan, Alberta, BC, Quebec and every other province. So if we were to have a national focus where the farmers in Canada collectively came together and spoke about their problems and their differences and worked together to try and solve them and not pit one province against the other, that is the only way we're going to keep the farmers of Canada together, working together and working collectively. That's why we did not feel that going down to a provincial scope again is something that we want.

Mr Cleary: I want to clear up something. Are you speaking on behalf of your youth organization or are you speaking on behalf of the National Farmers Union?

Mr Gaudreau: I'm speaking on behalf of myself. I'm taking what the youth have told me. I guess you could say I'm speaking on behalf of the youth wing, but I am not speaking on behalf of the national or executive body or on behalf of region 3, which is the Ontario region of the National Farmers Union. I am not speaking on their behalf; I'm speaking on behalf of myself and of the concerned youth who have spoken to me about this.

Mr Cleary: Do you think the parent body is supportive of what you are doing this morning?

Mr Gaudreau: I think it is. Part of our problem with it was a vote, yes. Basically, this is democracy, a "majority rules" democracy. Coming together in a forum after the democracy, after a vote, the coming together of farm organizations for discussion I believe would be attainable and I believe the farmers' union would support that. I know, talking with my youth president, Chris Tait from Manitoba, and some of the other youth, that they are for it just because it's the democracy, it's the majority rules.

The numbers could be changed a bit to 55%, 56%, whatever. But in each province before that, there was a certain percentage, and this is the way it was, the vote part of it, not the federation of labour part of it. Back in Ontario in 1967, I think it was, when we had the one GFO vote, that's the way it was. It wasn't 51%; I think it was up to about 65% or 60%, if I remember correctly. Then a year later, it happened in Quebec. They had a vote in Quebec. It wasn't legislated by government. They had a vote in Quebec and 68% of the farmers supported it. That's why it was put through, because the farmers decided.

Mr Cleary: In your opinion, the only way to bring them back would be to have a vote. Is that correct?

Mr Gaudreau: I think not just a vote; I cannot speak for the whole region, but I know that they had a lot of problems. They had problems with the tribunal; we had problems that—changing our constitution. There are a lot of flaws in here that would make us change our constitution, change our organization in order to make it a provincial organization again, which we had for 10 years and we changed it to a national.

There are many things, but I think if you went by the process that I have stated, the organizations would not have to be just provincial in scope. If they were national organizations and if they had provincial representation in the province, then I think they should be allowed.

But what has to happen is all ten, or I think there are nine, general farm organizations would have to come together and sit down and draw up the terms of what the regulations and the rules should be.

I guess what I'm suggesting is keeping the farm registration, scrapping the stable funding part of it and having all farm organizations sit down and work it out

among themselves. I think the ministry should stay as far back from it as possible.

You asked one of the members of the Grey county federation about the farm programs going to an organization. If the ministry were to drop programs on to a general farm organization, that's very scary because you have the farm organization becoming an arm of the government. How could they be effective lobbyists? If they said no to the government it would cut their funding.

Whatever happens, whether or not it might happen, there is the possibility that this might happen, that the government might control that farm organization.

Mr Murdoch: Just a quick question. I take it, though, that you would like to see registration, people registering as farmers but without any pay, without the compensation.

Mr Gaudreau: I think they could register, yes, but I'm saying they should not be forced to send a cheque when they register or anything like that. Whatever the minister wants to use that farm registration for, maybe the parliamentary assistant or the deputy minister would be able to clarify that; it's a bit wishy-washy to me what exactly he wants to use that farm registration for. I cannot think of any program right now that they might need it for, if that could be clarified.

Mr Murdoch: We do register when we get our tax rebate.

Mr Gaudreau: That's right.

Mr Murdoch: I believe, and I've seen some draft forms, there's not going to be much difference in the form for this than that. Then we go on. If they do register then you're saying that—we know the NFU has dropped out of this process and that to me is wrong, because now it's not there to give its opinion. You brought yours to us, which is good. But that's how you sort things out, and not being there, then your voice may be lost somewhere in the line of everything. But if they register, and you're saying they just sort of register and then get together without the stable funding—

Mr Gaudreau: Yes, right.

Mr Murdoch: We sort of looked at that, because if we're going to register now the way the bill is set up now, there will be a registration fee and it will go to the GFO that they want. But if you look at the clause Leo was talking about, and in three years the minister or a group like this will look at it, would that not be the time to sort of try to implement some of your ideas? You have to get something going and it takes time to do that and that's why I think that part's in there. Whether or not we change the minister to a committee is up for debate, but by dropping out now, we lose your voice. Do you not think that is wrong?

Mr Gaudreau: I don't think it's wrong, because the membership had spoken. As a leader of a farm

organization, I have to listen to the membership. The membership speaks. Because I'm elected by them, they pay the annual general membership fee for the farm organization. If the membership felt that they had and we should have dropped out and we dropped out, then I'd have to support their decision on it.

Mr Murdoch: I agree with you there.

Mr Gaudreau: What I'm saying is that, in my own opinion, I really don't know because I was not at the eight-hour marathon debate we had in order to discuss this. I'm not sure what would have been brought in or what might have been said. But dealing with the part of the bill, I think it's section 32 or something.

Mr Murdoch: I don't have the bill.

Mr Gaudreau: Section 32 or 33, I think it was. I think why I said to do the farm registration at first was because when we constantly asked the minister for a vote, he stated, "We don't have a list to use in order to let the farmers decide." Do the farm registration, then let the farmers decide. That's what I'm saying.

I think you have to bring in—if you start something and if you don't start it democratically, then you're just going to be working and working and trying to keep fixing it until you make it democratic. It's going to waste a heck of a lot of time.

I'm just wondering if the Ontario Federation of Agriculture has thought that if everyone has to send it a cheque, okay, 20,000 stay members and the other 48,000 want their money back and that's going to cost it \$15 for each returned cheque. It might end up costing them that whatever many million they made.

1210

Mr Murdoch: That's true, but that's the democratic process of it. They are giving the vote indirectly. It may not be a vote like some people are asking for, but at least that is a vote. If you want your money back, you're not being forced. I take exception to the rule, "They're forcing," because nobody is forced to pay. You send the cheque and you can have it sent back to you. In that way at least you get some credibility into the system.

Mr Gaudreau: Except that the tribunal has the power to make it mandatory at any time.

Mr Hansen: I really don't have too many questions, but there was one thing that came out that I don't think the NFU had explained, or maybe it just passed me by: the national policy. With the policy you have, you couldn't wind up really coming aboard after reading your policy of being a national, not a provincial any longer. That was one of the big stumbling blocks. Some of the other reasons that we heard, one of the biggest ones was that it just didn't fit in at this time.

Mr Gaudreau: That's right. We have a huge policy book but it's our constitution that—I think I forgot to bring it with me. Our old executive secretary, who was

with us for 35 years back when we were a Saskatchewan farmers' union and then a national farmers' union, who helped to write the original constitution for us, criticized the way it was laid out in the bill, and what we had to change—as far as I know it would have been too hard, plus we wouldn't have been able to give you an answer anyway because we would have had to take it to a national body, which is in January, and then we would have had to have a vote of our delegates through our national convention. Whether or not they would have passed it, that the Ontario region become part of it and passed all their resolutions and the amendments, that would have been hard to do, considering the members of the Ontario region of the National Farmers Union do not want to make those changes to the resolution. So it was a hard process and yes, a big part of it was changing our constitution.

Mr Hansen: Do you think that your organization will lose membership over this or do you feel that the other two farm groups, if they ask for a refund, will become members of the National Farmers Union?

Mr Gaudreau: I think they might become part of the National Farmers Union. In May and June we had an organizational drive where we picked up 78 new members in six weeks, and that was just going around and talking to local people and doing a little bit of work there. Most of those were new members. One of those groups that joined with us, a huge majority of them, was called the Line in the Dirt. You might have heard them. They have joined with us. We have a local of 40 members, up in the Markdale area, of the Line in the Dirt, the old Line in the Dirt people who are now National Farmers Union members.

Mr Hansen: Were these people members of another farm group or was this before you decided to pull out?

Mr Gaudreau: This was before we decided to pull out, but they were members of another farm group. Well, a lot of them were members of the federation and they decided to change and to come with us, but I don't really like to say that because that's really not important. The importance is that with people contacting us and calling us—in November, any time, I could swing out to any part of Ontario and do some meetings and get some new members, and I know that, and probably a lot of them are going to be the two thirds of farmers, but it's just the amount of time that we have.

Mr Hansen: That was before July 25, though, too.

Mr Gaudreau: Yes, but right now I have locals who want me to come out and do meetings.

Mr Gary Wilson: I found your plan here fascinating. You mentioned the Rand formula; I assume that means the membership fee that you mentioned in one of the sections.

Mr Gaudreau: Yes.

Mr Gary Wilson: Is that non-refundable?

Mr Gaudreau: It would be non-refundable, but that depends on if the county voted in favour of whether or not they wanted to be a mandatory-membership county. The membership fees would be non-refundable, but that depends on the county. If the majority of farmers voted for that county to have it, then of course it would be non-refundable.

Mr Gary Wilson: So you would have to pay that in a county even though the adjacent counties voted against the plan. It seems to me to be quite a patchwork here. There could be a patchwork of representation that would certainly undermine the effectiveness of the plan.

Mr Gaudreau: I don't think so, because—in a way it might, but it might not, because the other counties would be deemed voluntary memberships, so you would have people who might want to become voluntary members of the nine or ten general farm organizations of Ontario. All it would do is the farm organizations could see where they are not supported, and why aren't they supported there, and talk and try and work out the differences. The farm organizations in Ontario are going to have to work collectively together with the farmers in order to try and make sure that the farmer's voice is heard, because they're representing him. If a majority of the farmers in Ontario don't support the general farm organizations, then there is a problem, and it's up to the farm organizations to find out why there is a problem and try to overcome those problems.

The Vice-Chair: A point of clarification, Mr Klopp.

Mr Klopp: Yes. Thank you for your comments today. I'm glad you've taken the time to come out. You made one comment, and maybe it was misinterpreted, that the tribunal may decide to make this a mandatory, non-refundable program. The tribunal has not those powers; it's actually section 20, it's the government through the legislative process which states the refund, and that's in the bill. I wanted to make that clarification.

Mr Murdoch: It would have to be an amendment to the bill.

Mr Klopp: Yes.

Mr Gaudreau: I'm sorry, excuse me. I misinterpreted it.

The Vice-Chair: Thank you, Mr Gaudreau, for taking the time out and coming into Toronto today.

The committee will start promptly at 2 o'clock.

The committee recessed from 1218 to 1402.

GLENN COATES

The Chair: The first witness this afternoon is Glenn Coates. Proceed with your presentation. You have one half-hour, and the committee would appreciate at least half of that for questions from members.

Mr Glenn Coates: Good afternoon, committee. I'd like to thank those members who made committee hearings possible on this issue. It has certainly been a

controversial issue with a lot of discussion but without a proper venue for discussion on this issue perhaps for the past year and a half.

I have some general concerns as to the nature of this bill and the direction that it takes. I don't think it's the best answer for farmers in this province, and when I read through the Hansard from second reading, I guess it was, and read through the comments between the comments on the prices of cherries, it seems that members from all parties expressed this concern about having a strong farm voice. I'd suggest that although the concept of a strong farm voice may be important, it may be difficult to achieve in Ontario.

I'll read some of my comments that I made to the Stable Funding Steering Committee a year ago:

"During the past year I've discussed the stable funding proposal with numerous farmers from across Ontario. Some are in favour; some are not. Views are well considered on both sides and strongly held. The one conclusion that is obvious is there's no clear consensus on this proposal.

"If the proposal were to be enacted in its present form or in a somewhat modified form, many of the 30,000 farmers who do not now belong to GFOs would feel imposed upon. There would be continuing debate. Those farmers who do not feel fairly represented by the GFOs would probably turn to their commodity boards for representation and we would once again have conflict between commodity groups and the GFOs.

"Some within our farm community think that agriculture would be better served with a single, stronger voice. Twenty-five years ago we had general farms. All the farms on my street were very similar. They almost all, without exception, milked a few cows, grew a few acres of tomatoes, kept a few pigs. They were all in the same situation. They all understood each other. A single farm voice may very well have adequately expressed their common concerns.

"Today we don't have general farms. We have larger, commodity-specific farms. I don't really understand my neighbour's dairy operation and I'm sure she really doesn't understand mine. Between commodities, we are in many respects competitors. Ontario's agriculture is characterized by its diversity. Farmers produce a variety of commodities in a wide range of social, economic and physical environments. A single farm voice can no longer adequately express our concerns."

When you drive across this province, the difference in physical environments that people have to farm in is tremendous. The social and cultural traditions of those areas are vastly different, our experiences are different, and to expect that now we are going to have a single strong voice, I think, is unrealistic.

I think the basis of this Bill 42 proposal, to generate a strong farm voice—and much was looked at by the

success of the Union des producteurs agricoles in Quebec, which was established some time ago and was established with a mandate of a vote of the producers. But in Quebec they have this thing called language. It makes them a far more homogeneous farm community. Perhaps they aren't so much so today, but at the time that it was established, they were. That model really doesn't fit Ontario. Some of my good friends from the Grey-Bruce area, we have vastly different views on life. We both farm in Ontario, but there are regional differences of opinion.

"If it is unreasonable for us to expect to have a single common voice for all of Ontario's agriculture, then let us at least have a common meeting table where all farmers and farm groups can come together to discuss their concerns, common interests and differences."

I think it's unreasonable that we're going to have a single, strong farm voice, but I think it would be very reasonable if we did have a single table where all producers, all commodities, all farm groups came together to discuss their problems, not expecting that a single message would necessarily come from that, but it would be a table where things would be worked out.

We already have that experience to a degree in Ontario through the agricultural commodity council, which is just a group of farm commodity groups plus the GFOs that come together to work on various issues.

When you talk to Terry Daynard, who is, I guess, the chief executive of the corn producers, who also has somewhat been the chief executive of this commodity council, when you talk to him and you listen to the spirit of cooperation between farm groups when they sit down and allocate who's going to work on which problem, to me that's the direction we ought to be heading: kind of an inclusive, cooperative model. So we already have this experience.

Perhaps based upon this experience we could develop a broad-based Ontario agricultural council which could provide the leadership format that our diverse industry needs. This council needs to be inclusive with respect to its membership. The farm women, the Franco-Ontarians, the GFOs, the commodity organizations, the government of Ontario and others—everybody needs to be at that table to put input into our farm programs.

This council should not create a new bureaucracy to replace our existing organizations, but rather should be a coordinating and funding body. Financial resources should flow through the council to its members.

On the issue of money, money can come from a variety of sources, both from within government and from within the industry, from registration fees and a number of things. If that council, which includes everybody, decides where the money gets spent, I'm sure all groups will come to the table because the money will get redistributed through their table. And if

we went back to the issue of, you know—if we're going to use the \$150 fee, there's \$7.5 million that such a council would have to redistribute.

1410

I think that's a much better reflection of the reality of agriculture in this province than the single, strong farm voice. If such a council did develop a unanimous consensus opinion on something, that would be a very strong statement.

That was my submission to the Stable Funding Steering Committee. Those ideas were developed in discussion with other people. I don't claim ownership to any ideas. A lot of it was through discussions with a fellow called Tony Morris, who's on the executive of the OFA. Although we disagree quite a bit on things, we do discuss agriculture in this province and looking for solutions.

The response to this idea that I got from Roger George last year: You raised once again the concept of a central council. This is the concept that eluded us in the 1969 GFO. This is the concept that Quebec picked up and built the UPA around. It's a wonderful concept. Those are Roger's comments on that.

If it's so wonderful, then why aren't we working towards it? The fear I have is that if we implement this bill, everybody will see it as being the bill and the structure to solve our problems. Nobody is going to be looking for any other solutions, and certainly I don't think any government in the next few years is going to want to come back and stick its finger in the farm organization pie. So I just see that when this bill is implemented—and I suspect that will be the case—it will preclude us from having what I see as being a better answer, which I think is unfortunate for agriculture in this province.

One of the concerns I have on this single farm voice issue is the exclusionary nature of this bill. I'm not surprised that it ends up being exclusionary, because the process by which it was developed was quite exclusionary. It was all developed in a back room. It wasn't developed in the public venue. Often when government wants to develop something, it goes and has consultative meetings across the province. I remember a number of meetings that the government held on rural planning that OMAF people—I believe there were 14 consultative meetings which were held before a position was drawn up. The only meetings we had on this were the presentation of a position that had already been drawn up.

To me, what really highlights the exclusionary nature of the way this bill was developed was an item from the agenda of the stable funding working group, which were the people from the organizations that were sitting down doing the nuts-and-bolts work on this, and this was their agenda from July 16, 1992. It still flabbergasts me that this item is on the agenda. It's the documentation for

excluding other groups: women, natives, UCFO—that's the franco-Ontarians—Catholic rural life and Old Order Mennonites.

To me, it's unbelievable that in 1993, somebody would want to exclude women, Catholics, francophones, natives and Mennonites. They're the people we want to include. Instead of having documentation as to why we're excluding them, we ought to have had on that agenda documentation as to why we're going to include them, and more. That to me just highlights the exclusionary nature of the development process, and that's why I think somebody wants to exclude everybody; somebody wants to have the voice and they don't want to share the power.

I have some specific concerns with the legislation. That's my general concern: It's the wrong approach. It's the wrong approach because it was developed in the wrong process. If we'd had a better process, we would probably have had a better answer. But I think we're probably too late for that now, when we've got this piece of legislation.

Dealing with the bill, one of the concerns I have is that when you ask about budget allocation for handling the administration of this, Rolly says, "We're going handle it with existing staff." Well, there's half a million dollars or million dollars worth of expenditure on shuffling paper and handling cheques. Is this government really so slack that there are those resources sitting there not doing anything now?

One of the major concerns I have with the legislation the way it's written is that there's no financial liability. The named GFOs will not have any responsibility for the millions of farmer dollars which they will handle and have a legal liability for refund. If a GFO is not able to make a refund, farmers will only be able to get their refund through federal bankruptcy legislation.

I think there ought to be an amendment to the bill. Either the government guarantees the liability for refund or the GFOs have to demonstrate bonding or financial responsibility for the amount of money that they'll have to refund. I don't think it does our general farm organizations any benefit to have this liability for refund hanging over their heads. Our general farm organizations are already in a very tight financial situation.

I'm sure some of them, or GFOs yet to be formed perhaps down the road, will operate under financial lines of credit from a bank, and a bank's going to say, "Well, Jeez, you've got \$2 million there. Is it yours or not? Can we lend you money? Is that your asset or not?" It makes it difficult. The fact that the GFOs have to accept the liability may make it difficult for them in their financial operations, so that one way or the other, either they have to demonstrate the financial responsibility for the refund or the government has to guarantee the refund. As it's presently being stated in the bill, I'm being asked to lend the OFA \$150. But there's no

guarantee I'll get it back. It may or may not come back. I hope it does.

Another concern I had when the legislation first came out was that it really didn't fit the nature and structure of the NFU in this province. I guess the NFU withdrawing from this legislation kind of ends my concerns there, other than I hate to see a farm group excluded. NFU—I go on down the list, there's a lot bunch more, but they felt they couldn't work with it.

I'm not sure in this legislation where the special funding for the francophone organization's going to come from. Who's going to pay it? Does anybody have an answer as to where that francophone funding's coming from? It says it will be provided, but there's nowhere it says that the minister will provide it or at what level. There's been discussion that the GFOs are going to pay transfer funds to the francophones. There's nothing in the legislation that would indicate that. It's this kind of hanging thing there. It says they may get it, but it doesn't say who's going to give it to them. That needs to have an answer to it.

One of the problems that has always concerned me with the legislation that we saw before Christmas in the new bill is that the accreditation criteria aren't in the legislation; they're to be in the regulations. I don't think this is fair to the farmers of the province and I don't think it's necessarily fair to the farm organizations.

If those accreditation criteria can be changed at the whim of some government down the road, some existing GFO may no longer be accredited. If there's some other organization that's out there that wishes to become an accredited GFO and it's working on today's set of regulatory accreditation criteria, by the time they apply for accreditation perhaps they may change.

1420

I think it does the farmers of this province a much better service if those accreditation criteria are stated firmly in the legislation and not in the regulation. Then we know exactly what those farm organizations are and are supposed to do and supposed to do for some time; not that those accreditation criteria can't be changed, but if they're in the legislation, it allows us to have a much more public debate as to what those accreditation criteria will be.

One of the concerns I have is that the accreditation criteria in the explanatory material that accompanied the bill are different from the accreditation criteria that were presented to the farmers last summer. The comment is that it was changed on the basis of comments from farm organizations. That's really without any kind of public debate. We kind of did debate these accreditation criteria quite hard in the farm community last summer, and all of a sudden we see something that's different.

The one that's excluded—and it baffles me why this one was excluded. We were presented last year with an

accreditation criterion which was number two in last year's, "Be provincial in scope," which includes having democratically elected leaders, representatives and accessible local organization structures across agricultural areas of the province and providing individuals an opportunity to become actively involved in, and empowering them to influence, the organization at a provincial and local level.

For the life of me, I don't understand why that one has been deleted. I think that's what we were presented with last summer and I would like to see that criterion go back into the accreditation criteria and I would like to see the accreditation criteria moved into the legislation. It does the farmers a service and it does the farm organizations and potential GFOs a service to put it in the legislation and not in the regulation.

The issue of registration—and I don't understand why we have farm organization funding and registration mixed together, but that's the way it's been done. There are a lot of people who have a lot of concerns about farm registration, and I keep trying to point out to people, boy, we sure all register to drive our cars on the highway and we tell them a whole lot. We tell them where we live. We tell them how old we are, the colour of our eyes, height, sex. We even let them take a picture of us. Then, all of a sudden, we've got this big concern about privacy because somebody wants to have some, I presume, relatively simply farm registration. To me, that's hypocrisy on many people's parts.

I think registration is definitely a benefit and it should have been done a whole long time ago. It's time OMAF knew who the farmers were out there, who their clients were and what they are trying to do for them.

But one of the things I feel strongly about the registration—and I suggested this to the committee last year as well—is that the information collected under farm registration needs to be shared as widely as possible. Many commodity organizations have poor or incomplete mailing lists. Some farm organizations' operations market their commodities under a variety of names. It's Joe's farm; it's Joe and Mary's farm; it's Joe Blow. The kids market some of that commodity. They get on the list.

If you look through some of these commodity organization lists, some of these commodity organizations really have one farm operation and there may be four or five names on the list. That really doesn't help them identify who the operations are. Then they say: "Jeez, we can't mail anything out to anybody. We don't know who really should get it." They don't mail, which makes for poor farm organizations, because they don't communicate, because they recognize they've got a poor quality mailing list; or farm commodity organizations mail it out to everybody and lots of farm operations will receive multiple copies of communications. That's not efficient either.

I really think, if we're going to register farmers, we ought to share the data with the farm commodity groups or at least the names and addresses. I think what we need to do to help farm organizations when you're going to have a registration, I would say you put it in the form of what I call a default question on the registration form.

You ask the registering farmers: "Do you wish to have your name and address registered with a commodity board or association?" and then, "Please specify." Presumably on the registration form there are going to be a number of commodities that you produced, and I'm sure somebody can figure out you've ticked this box and you want your name to go, then your name will go to that box. I think that will really be a help to a number of our farm commodity organizations.

Then the aggregate of this information, I think, should be publicly available. We need to have as much information in the farm community as possible so that farmers know what's going on and the government knows what's going on so that everybody is working from a good information base when we discuss farm policy issues.

One other comment, and that deals with section 33, which is the review section of the legislation. I believe it says the minister "may" have a review after three years. Well, if you're going to have something that's "may," is it "may not," "can't do it until then"? What does it mean? I'm certainly not sure. In questioning what that meant and thinking about what that meant, I think maybe it ought to say that the minister may not have a review until three years.

Let's have this thing in place for a period of time and that gives some surety to the farm organizations that the thing doesn't get diddled around while they're trying to get on stream, or the target doesn't move on them in that kind of time. But then, on the other side, after three years everybody's registered, the minister will have a review, and there's no excuse for not having a vote because we'll have a good list.

I think if this is the democratic will—and some of the most vocal opponents of this I've heard said, you know, "If the farmers had had a vote"—and I feel much the same way—we even accepted that bill that the minister tried to pass at Christmas. There end my comments both general in nature, which is on the direction that this took, and specifically on points.

The Chair: Thank you very much. There are approximately two minutes per caucus. Mr Murdoch.

Mr Murdoch: That was certainly an excellent presentation and I don't think you're totally against what we're trying to do here to help the farmer.

I know you started out that you thought maybe all the groups wouldn't be represented, but most of them do belong to the OFA or Christian Farmers. The different

producers all do join, and I think that's where they come to the table. The thing is it's tough to have government and have everyone running there with their different problems. If you can sort of coordinate them, like you said, at one table and then come with a strong voice—and I think that's what we're trying to do here. I think that's what they are doing with this bill. Then later on there may be other groups that want to join, as I said, and that can happen.

I know I haven't got too much longer. I just want to add that the "may" section, where the minister "may," where there's talk about that, it should be "a committee may" decide that and the word "shall" should be in there. I think that's going to be an amendment and we're going to look at that. That's a concern I think that will be addressed for you.

But don't you think that most of the groups could belong to either the OFA or the Christian Farmers? It's too bad the National Farmers Union dropped out.

Mr Coates: I would think that it's close to working but doesn't quite work, and I think the problem is in the OFA structure. If somehow we could get rid of those individual memberships of OFA, make them all individual members of county federations, because we've seen this in the past and we go back to that wonderful Grenville resolution which was the thing on the beef market, which maybe was popular in your riding.

Individual producers could say, "Well, Jeez, as individual members we've got another organization and we can put this pressure up through here which goes against the commodity board." We had this very costly, expensive and divisive fight. As long as the OFA has individual membership an individual has got a choice as to take it up through the federation or take it up through his commodity organization.

I think if the OFA would restructure itself as to be just a federation of agricultural commodity groups and representatives from county federations of agriculture, then I believe it would come a whole lot closer to doing it. But over the years, they've accumulated a whole lot of political baggage with a lot of people for things that they have or haven't done. That's why I think, you know, if—I agree it could work but perhaps a new organization that they're a full member of and would draw funds from.

1430

Mr Klopp: Thank you for coming today, Glenn. You've made your comments and worked hard on this and you've come up with some interesting thoughts and we will keep them under advisement.

There were a couple of points, one or two, that are administrative things I'd like the deputy to clear up right now, if she would, please.

Ms Burak: Yes. I believe your specific question was, where would the money be coming from to handle

the administration of this act? I think that issue has been raised by others. In response, on behalf of Mr Klopp, we do not see this administrative task as being onerous. Generally speaking, because money is tighter and tighter these days, we're being asked in everything we do to become more and more efficient and are given new tasks without additional resources from here on in. In short, there will not be additional expenditures here, we are simply prioritizing our tasks to get this done.

Mr Klopp: In fact, I said earlier you've been involved in this a long way, and in the previous bill, and something which I was quite glad to see in this one, it is far more streamlined. This big corporation, corporate identity, some had been talking about is definitely out of this now because it is refundable and the cheques will be going to the actual farm organization. It's their administration problem, it's no longer ours, so we really have streamlined this considerably.

Mr Coates: The ministry will still have to receive and record the cheque. It will have to document its transfer.

Mr Klopp: Sure.

Mr Coates: It's not free.

Mr Klopp: No, but that's part of the registration too.

Mr Cleary: Mr Coates, I'd like to thank you for your presentation. I'm sure from the remarks you made today that you spent considerable time on this and I think we have to take a lot of that into consideration. I take it from your presentation that you're strongly in support of a farm registration, almost immediately?

Mr Coates: To me, it's something that could have been done long ago and probably done by order in council. It may not necessarily require legislation. It could have been done under the farm tax rebate program, a simple registration system under that to generate numbers of people and who they were. Why the government hasn't done it, why it didn't do it last year or the year before, amazes me.

Mr Cleary: You say that the different farm organizations around the table—how far would you go on different farm organizations?

Mr Coates: I like to be very inclusive of everybody. I don't see why anybody should be excluded. You know, if the Ecological Farmers Association of Ontario wants to sit at the table, I think they have a right to sit at a table and present themselves, all the commodity organizations, the Ontario Farm Women's Network, the Franco-Ontarians. Everybody ought to be at the table. I think there is a mechanism for—you make the hurdle as low as possible, not as high as possible. Everybody who wants to be there, allow them to be there.

Mr Cleary: I take it that you found a problem with the way the consultation process took place on this bill. Is that correct?

Mr Coates: I don't believe there was a consultation process. The consultation process was in a closed room between members of the three named GFOs and the ministry. That's where the consultation took place. It didn't take place in open forum in the public.

The Chair: Thank you, Mr Coates. Your views and expression of them have played an important role in the process and we appreciate your taking the time to come and express those views.

GREY ASSOCIATION FOR
DEMOCRACY AND GROWTH

The Chair: Next is Janette Mazur. You've been allowed half an hour. The committee would appreciate at least 15 minutes of that for questions and answers.

Ms Janette Mazur: This is the GDG oral submission to the steering committee on stable funding. It's delivered by Janette Mazur.

Good afternoon, honourable members of the steering committee. My name is Janette Mazur. I've been asked and gladly volunteer to present this submission on behalf of the Grey Association for Democracy and Growth. As a member from its early beginnings and as a former director, I am proud to now bring you a small history introduction to the Grey Association for Democracy and Growth, otherwise known as GDG.

Our association is a volunteer ratepayers' organization supported by due-paying members and was founded in January 1990 on a 1,500-plus-name petition to support our local elected representatives in planning. From that time on, our organization has been dedicated to protecting local resources, preserving local government and promoting local citizens' rights. To that end, we have and are taking an active and sometimes leading role in a multitude of issues that may or will have a significant impact on the lives and future of the citizens of Grey county, a predominantly rural jurisdiction: issues such as Grey county versus the MMA and MOE, the Ontario Environmental Assessment Advisory Committee hearings, the ongoing areas of natural and scientific interest-natural heritage areas MNR program fiasco, the Niagara Escarpment five-year review and the Commission on Planning and Development Reform in Ontario.

Our association feels that the passing of Bill 42 on stable funding, now known as the farm registration and funding act, could have some detrimental impacts on the rural citizens of all Ontario. Therefore, we have prepared this submission for your serious consideration.

Unity cannot be legislated. Unity among farmers and a strong farmers' voice is desirable, indeed necessary, but the current proposal will result instead in great conflict within the farm community. If implemented, this proposal could result in a costly, divisive court action against the government and the GFOs under the human rights freedom of association.

At this juncture we would like to point out that

changes, including removal of fines for non-compliance, do not remove concerns with the financial gun to the head registration enforcement. Additionally, discrimination is evident due to the exemption of some farmers, in particular the Mennonite sector. Legal action could certainly be a consideration here.

It must be made clear that the present initiative was produced and promoted by a government-conceived farm organization, the Ontario Federation of Agriculture, which has failed through the years to acquire the trust and support of more than a minority of farmers. Existing GFOs are the voice of a minority. Most farmers see a lack of consistent, effective representation from these groups and choose not to be a part of them. Commodity groups have had a measure of success in correcting the major farm problems, for example, a fair return for products.

The consultation process left much to be desired. For instance, the Markdale September 8, 1992, meeting was an insult to the intelligence of the farm people in Grey county. What had been advertised as an information meeting turned into an OFA rally supporting their proposal and the NDP minister—a determination by the minister to arbitrarily dictate to farmers what they must do, how they will do it, who they must associate with and what they must pay to the government administration for the privilege of compliance.

As the industrial age expires and individuals, small farmers, entrepreneurs and a cottage-industry initiative endeavours to rebuild this tottering nation, we witness a government initiative introducing central control on this fragile agricultural industry through farmer registration, compulsory checkoffs, unhealthy farm program propositions, insignificant foreign trade policies and government indifference to the wellbeing of rural producers.

1440

We note how quickly the government reacted in the recent past when the brewing industry came under pressure—quite different than when producers of basic products came under fire.

Just as we are opposed to taxpayers being tax collectors, PST and GST, we are equally opposed to government collecting organizational dues. We see the function of government to be supportive to the aspirations and needs of the electorate, endeavouring to create an environment conducive to the successful achievement of those aspirations.

If we are unable to create a unity process built from grass-roots participatory democracy, then how much faith can we have in the end result? Without that faith and true representation, what chance and how much effort will a regime created through government legislation have at resolving the enormous inequities and barriers that exist, many created and perpetuated by government itself, issues such as:

—Ensuring that “free trade” is accompanied by “fair trade.”

—Balanced trade must not be accomplished at the producers’ expense.

—Monopolistic manipulations in the markets should not be construed as “free enterprise.”

—The urban lobby manipulators, the majority of voters, must not be permitted to dictate policy, price or regulations adversely affecting rural producers, who are the minority of voters.

—Subsidies eventually spell trouble and failure.

—In short, a fair return on investment spells success for all.

We would like to remind the standing committee that equity within society equals democracy and that the rural voice must be strengthened through a majority consensus, not destroyed by the minority power brokers.

The Grey Association for Democracy and Growth believes that it is not the function of government to be a collection agency for any organizational dues, nor should the government be involved in right-to-assemble activities.

In conclusion, we, the Grey Association for Democracy and Growth, believe in democracy. In the best interests of the principle, we strongly recommend that before arbitrary, compulsory legislation is considered, a proper consultation process must be undertaken to ensure the majority of affected farm people understand such legislation. Following this process, a proper referendum must be held to allow all owners and users of farm land a vote on this far-reaching, irreversible legislation.

Yours truly, the Grey Association for Democracy and Growth.

The Chair: Thank you. There’s approximately five minutes per caucus for questions. Mr Klopp.

Mr Klopp: I’ll let Mr Hansen go ahead.

Mr Hansen: You said there were 1,500 on a petition. How many people are actually in your association?

Ms Mazur: From 800 to 1,000.

Mr Hansen: Which represents all of Grey.

Ms Mazur: No.

Mr Hansen: Okay. You were saying the OFA doesn’t represent the whole farm community. There are a lot of groups that aren’t members. So it’s not that you’re going to get 100% that are going to be OFA members or in that organization, or the three of them.

Ms Mazur: Some of our members are OFA members as well.

Mr Hansen: Yes, and they agree with this, as OFA members.

Ms Mazur: This is the director’s decision.

Mr Hansen: I didn’t have any other questions.

Mr Klopp: We’re here today and this week to hear ideas and we’ll take your concerns and thoughts under advisement. The minister has had a long discussion period with this issue and this is part and parcel of that, and we thank you for coming today.

Mrs Fawcett: On the registration part of the bill, does your group have a problem with the registration form or registering with the government so that the government can have this information?

Ms Mazur: Some of the members do, yes.

Mrs Fawcett: What is the problem they see with it?

Ms Mazur: I guess a lot of people just feel they’re registered enough.

Mrs Fawcett: If this registration form was such that maybe it would eliminate some of the others, would that be what they are looking at, or do they just feel they shouldn’t have to register?

Ms Mazur: I think they probably feel that the government has enough information on them by means of their income taxes that they fill out and then their farm tax rebate and other things, that it has all the information that could possibly be desired and that different things that it’s bringing in are just a duplication of it.

Mrs Fawcett: I see. We keep hearing, though, that they don’t seem to have a handle on the exact numbers and how many in each particular group attached to farming and so on, but it’s interesting. Just quickly, you feel that there wasn’t sufficient consultation. What form do you think that consultation should have taken?

Ms Mazur: It should have been open meetings.

Mrs Fawcett: Across the province?

Ms Mazur: Yes, across the province, and it’s even like these hearings that are here today. There are very few people who knew that these hearings were taking place and then, when it did take place, set a time when farmers are so busy they can’t get out of the fields.

Mrs Fawcett: I agree with you there, yes.

Ms Mazur: The other ones that took place last year, too, people had no idea when it came out and said they were having information meetings on stable funding. The farmers thought they were going to get some money for fixing the stables. They had no idea what this bill was about and a lot of them still do not. The information was not adequate to the farm community.

Mrs Fawcett: So lack of information, you feel, was a big factor?

Ms Mazur: Yes.

Mrs Fawcett: Certainly I would agree with you that this is a bad time to have hearings and it is unfortunate that we didn’t get second reading in May when we could have, or even in April, as soon as we came back. If we could have got the bill brought forward, then we actually could have finished the hearings before we

recessed, but that's hindsight. I'll turn it over now to my colleagues for other questions.

The Chair: Mr Cleary and Mr Offer.

Mr Offer: Thank you for your presentation. The gentleman before you—and I know that you were in the room—suggested certain problems with the bill. But I think the first issue that he brought forward—I want to ask your thoughts on this—was that the bill creates a mechanism where you can have particular GFOs in existence, which would be part of Bill 42, and follow a certain accreditation program.

I heard him say that is potentially a flaw in the bill because, instead of passing a bill which creates separate groups, a mechanism for the establishment of separate groups, one should be having a bill that has something that's more inclusionary; in other words, you don't have the traditional groups in the past but rather something that includes everyone. I'm wondering if you might want to share your thoughts on that.

Ms Mazur: My thoughts on that are that any farm organization or any organization whatsoever—my own organization, the Grey Association for Democracy and Growth—should be able to go out and sell their own memberships. I know that's not the answer you're probably looking for.

Mr Offer: No.

Ms Mazur: No, it's not, and if they cannot, then there must not be a need for them. If there was, people would gladly buy into their membership if they were getting something for it.

Mr Offer: I'm trying to get an understanding as to where your concern is with respect to the bill. If the concern is not, in principle, on the bill having certain GFOs in existence under Bill 42; and if we have heard, as we have, from the ministry that there isn't a real handle on the number of farming establishments in the province and this bill will help in getting us that particular information; and if any GFO lives or dies by its own success and ability to reach out to its members, as your association has to your members, then where are the problems with the bill as you see it?

1450

Ms Mazur: It's not a democratic process. It's being legislated by government. It's government intervention. I'm sure we wouldn't even want to do that because of our name even. We're for democracy. We're not for the government coming in and saying, "You have to belong to this group or that group," contrary to the fact that you're saying: "It's okay. You're going to get your money back. You can have it back." That's just pushing our own money back and forth and a lot of paperwork being pushed around for no reason. The people, if they don't support that group, just should not have to be associated with it at all.

Mr Murdoch: I just have one quick question. This

brief that you presented to us, and I think you almost answered it to Ron over there, wasn't put forth before the full membership of the Grey Association for Democracy and Growth, was it? This brief was prepared by the directors, but it hasn't been presented to a general meeting for the full membership to vote on.

Ms Mazur: It was put together by the directors.

Mr Murdoch: So it's never been to the full membership for a vote?

Ms Mazur: Not that I know of.

Mr Murdoch: That's the main thing I wanted to know, whether the directors prepared this or whether the full membership had a chance to vote on it.

Ms Mazur: The directors prepared it.

Mr Murdoch: Okay. That's really the only thing I was concerned about, whether the full 800 had a chance to vote on it or not.

Mr Hansen: That was my question. Bill asked it for me.

The Chair: I'd like to thank you for taking the time to make the presentation here today.

Ms Mazur: I'd like to point out though, too, that if our members did want a vote on it, they would certainly get one.

The Chair: Thank you very much. Your views are important to the committee and we're glad you took the time to come and present them.

Mr Offer: Mr Chair, may I pose a question to ministry staff on the bill?

The Chair: Absolutely, as long as it takes no longer than seven minutes for the question and response.

Mr Offer: I have the greatest deal of faith in you as the timekeeper.

Under section 29 of the bill, it says, "A decision of the tribunal is final," and that's where it's left. The tribunal has a great deal of power, both in review, in accreditation, in dealing with religious objectors and things of this nature. In the information that was provided by the ministry, it says, "The decision of the tribunal is final, but the tribunal has power to reconsider its own orders."

My question is, and if you could provide the information hopefully before we get into the clause-by-clause analysis, what does that mean? Do people, do groups, have a right to appeal a decision of a tribunal to any higher body and is there an intermediate action that has to be taken in that people have to appeal the decision of the tribunal to the tribunal?

Ms Louise Stratford: I'll try to answer that. I'm Louise Stratford, counsel to the ministry. That provision about the tribunal being able to reconsider is known as the rehearing provision. It's in there because without it the tribunal wouldn't be able to reverse itself if it came to light that it made a mistake in an order, which

occasionally can occur if evidence is overlooked or there's some difficulty. It does not mean that there is an appeal. The only review that could take place of a tribunal order would be in Divisional Court on a judicial review.

Mr Offer: They could only then review the decision of the tribunal on the procedure?

Ms Stratford: On the jurisdiction, whether they overstepped their bounds in making the decision they did.

Mr Offer: I don't know very much about legislation, but should there not be in the legislation steps for the general public, steps for aspiring GFOs, to be able to follow in the areas where the tribunal rules against them? This doesn't tell anybody anything. It just says that a tribunal may reconsider any order it has made, but it doesn't tell the people who have been aggrieved by the order how to get the tribunal to reconsider. There's no process. If I go to the tribunal and ask for a religious exemption and the tribunal says no, and I think the tribunal is wrong, I can go to Divisional Court and will lose, because the tribunal may have the jurisdiction to make the decision it made, but I don't have any process to appeal the decision because I think that they may not have put the proper weight on a particular piece of information that they otherwise should have. It seems to me it has always been a right of any individual, group or association, to go to a higher body to have a matter changed.

Ms Stratford: The tribunal's right to reconsider isn't confined to any particular grounds. Therefore, someone could ask for reconsideration on whatever basis he chose and it would be up to the tribunal to decide if that basis warranted a rehearing and a different order.

On a judicial review, although it's limited to jurisdictional grounds, there is in fact a fairly broad opportunity to challenge on the basis of mistakes in evidence and so on. Most things can be characterized as failing to exercise proper jurisdiction.

Mr Offer: I guess the problem I have is that when you get into the Divisional Court you're getting into, many times, a more expensive type of procedure. That may in fact in itself become a deterrent to appeal. I'm even thinking about the Workers' Compensation Board, which has certain levels of appeal. You have levels of appeal in a lot of other boards, but you don't have one here. When one takes a look at what this tribunal is going to be deciding—it is going to be deciding and have a great deal of very important powers and be making some very important decisions. On a review, they can say to a GFO, "You are no longer a GFO." For that organization not to have a right of appeal—I was hoping I had misread the legislation.

What do we say to those GFOs? What do we say to the Ontario Federation of Agriculture if it says: "Well,

the tribunal has taken away our accreditation. We think the tribunal made a wrong decision." What would you say? "Sorry, you're out"? I don't know.

The Chair: Thank you, Mr Offer. If you could provide whatever clarification you can at the moment and then we must move on.

Mr Klopp: You make some interesting points. It's something we will definitely clear up for you by the time we get back for clause-by-clause. I think it's important to note, though, that under the accreditation material that is there, it's going to be pretty clear and there are safeguards in other sections, which the tribunal has to go through. It's not on a whim and a prayer, you know, unless you get seven tribunal people that we pick somehow, but we'll get that cleared up.

1500

HARRY BRANDER

The Chair: The next presenter is Harry Brander. Good afternoon, and welcome. Identify yourself and then proceed with your presentation. You're allocated one half-hour and the committee would like at least 15 minutes of that for questions.

Mr Harry Brander: My name is Harry Brander and I would like to take this opportunity to thank you for letting me speak before the committee today. I am here strictly on my own. I'm not representing anybody except myself. I run a 500-head beef cattle feedlot and small cash crop operation at Norval, Ontario. My MPP is Noel Duignan for Halton North, who is in support of this bill. I would also like it to be recorded that I am in strong support of this bill also.

It's time; we need this bill. This bill provides an opportunity for all the farm organizations within Ontario to contribute to the funding of a general farm voice. As I said, I think the passing of this bill, it's the right thing to do and I think the time is right to do it. After all the commodity organizations, they've had this secure source of funding for over 30 years, and I think it's time now for the farm organizations.

As far as the fee for \$150, I think that's a very reasonable fee. I think I would get probably an excellent bang for my buck for \$150, and it's, as you know, totally refundable. In comparison, last year I was looking over my books and I paid roughly \$1,600 in compulsory checkoff fees to the Ontario Cattlemen's Association. I'm not begrudging them the money, but I think I could have seen a heck of a lot more benefit for my \$1,600 than what I received.

As far as the process, I think it's a process where farm operations can register and get a number and fill out a registration form with OMAF. I think it's important that all the farmers will be financially supporting a farm organization.

I also feel that we do need the information, or the government needs it. I know personally from the

cattlemen's association, when they send out a notice for an annual meeting, I sometimes get three or four of them, and I know just due to the way I have marketed cattle in the past. So there's a lot of duplication and I think the government needs a better handle on who the actual producers are and what parts of the province they come from and what they do produce.

The \$7,000 annual gross fee, I think that's a small enough figure for any farmer who wants in on the registration that it won't be encumbering him to stay out of it.

Of the two farm organizations grandfathered in, I think that's along with the special funding for the francophones of Ontario, I think that's a good startup process right now. I like the idea of the accreditation process and the openness that any other farm organization come in if they meet the criteria.

I guess, as one of the other speakers said, I would maybe like to see the accreditation, the guidelines possibly in the legislation as opposed to being in the regulations, but I'm not really sticky on that point. I just think if you're reading the legislation, it's up front and everybody knows what the rules are.

Also, in closing, I think that this is a very democratic way of doing this. I don't think there has to be a vote, as some people have wanted. It is totally refundable and you can either be in the funding of the organizations or not be.

Again, as I say, I think it's a reasonably good bill. I tend to look at the committees and the organizations that have worked on this bill and I tend to think that they are working for the good of agriculture in Ontario and not to the detriment. So again I'm just totally in favour with this bill. Thank you.

Mr Cleary: Mr Brander, I'd like to thank you for your presentation. You have told the committee that you're 100% in support of this bill. If there was to be a vote, and I say "if there was," do you think it would be supported by the majority of farmers in Ontario?

Mr Brander: I guess it would depend on who was voting on it. As of right now I believe the government doesn't have a clear mandate of who all the actual producers are. But I think if it did go to a vote, yes, I most certainly think it would carry.

Mr Cleary: The other thing that I would like to ask you, and you've probably sat in on many of the presentations here today and of course we had some yesterday—there's quite a bit of opposition out there and you're 100% in support of this—how do we bring all the groups together to try to solve some of these problems so that we don't have farmer against farmer on this issue? What are your suggestions?

Mr Brander: I think that's a pretty onerous task. I've stated at regional council meetings before that there's only one thing farmers agree on and that's to

disagree. I think if we had a vote, that would certainly divide the farm community more so than ever. But I find that you have to keep the dialogue flowing, have a good communication process, bring in all the major stakeholders and the people concerned and sit down. If you want to call it a think tank or whatever and hammer out some of these things, well, maybe that's what we have to do, but I believe that from the farm organizations that have been on the working panel, they have a cross-section of members in every commodity and I think they're bringing the concerns of their members to that board right now.

Mr Cleary: We heard from some of the groups that came before us today and yesterday that there hadn't been sufficient consultation on this legislation. How do you feel about that, that some groups were excluded?

Mr Brander: I guess I have to disagree with that. There were meetings last summer, information meetings, and of course somebody said, "Well, it's a busy time." I guess it's a busy time today too. I should be home running the combine, but when do you ever get a day that's a slack day in the farming community? I haven't found it yet. I think there was equal opportunity for the farmers to attend those meetings and I believe that's where they should have been, at those meetings getting the information and putting their comments forward.

Mr Cleary: I thank you for your presentation. I suppose you were hoping today would have been a rainy day.

Mr Brander: Right on.

1510

Mr Murdoch: Again thanks for coming and taking your time out. We sure appreciate that, everyone who takes their time out to come and tell us, and this is sort of the process. You know, we've been criticized again for not having given people a chance to tell us what they think. That's why we're here today, and it doesn't say that parts of the legislation can't be changed if we find out there's something that's wrong.

That's the question I might ask you. I think it's section 30 but I'm not sure. It says in three years the minister "may" take a review, and there's talk of maybe amending that, that he "shall" take a review. What do you think of that? Plus, should it be the minister's decision or should it be a committee something like this? Do you have any views on that?

Mr Brander: I personally don't see anything wrong with a review. I think it's always good for an organization or a group to have a review every once in a while and kind of sit back and look at themselves and see what kind of a job they are doing. I suppose I wouldn't have any problem with a committee like this looking after the review.

Mr Murdoch: There's always this problem with the "may" and the "shall," and in this case maybe the word

"shall" should be there for now because there are people and there will be people who will not like this bill. We're not going to please everybody, that's for sure. I think this is a chance, maybe once in a lifetime, for farmers finally to get it together to lobby as a group at Queen's Park, but we've again been accused of not being democratic and things like that. So maybe the word "shall" should be there to make sure we do review it, the first time anyway at least, and from then on it may change.

Mr Brander: I wouldn't have any problem with that.

Mr Murdoch: I don't have any other questions.

Mr Hansen: My question is to the clerk of the committee.

The Chair: Your timing is impeccable. The clerk has just stepped out. When she comes back—

Mr Hansen: I know, but the question is actually—John had said to get all the farm communities together. The Silent Majority was against it, when it was here, on a lot of aspects. The National Farmers Union had to do with problems with its constitution. But was there any documentation sent in from the other farm groups to the Ministry of Agriculture and Food that opposed the stable funding? That would be good for the committee to know. Were there any other briefs submitted that we would know of? Normally we get from the clerk any of the briefs that have been in but haven't been able to present.

The Chair: Is your question whether the ministry has received any briefs?

Mr Hansen: Yes.

The Chair: Does the ministry care to answer?

Mr Klopp: Everything that comes to this committee is documented. There are letters and stuff, I guess, that come to the minister, but we didn't ask those groups, "Do you want us to put it out in the public?" They have an opportunity like everyone if they want to—

Mr Hansen: But there were no letters that came into this committee that opposed the stable funding, from other general farm groups?

Mr Klopp: That's not up to me. That's up to the—

Mr Hansen: Yes, okay. Maybe when the clerk comes back that could be checked.

Mr Klopp: And I guess the answer is no.

Mr Hansen: It seems to be.

The Chair: All the committee members will be provided with whatever written submissions are submitted to this committee, so that you'll have access to, whether it's in favour or opposed or no opinion. The stuff as far as the ministry is concerned, it is up to them to provide anything they have if they wish to provide it.

Mr Hansen: I just heard the comment come out a couple of times that the farm groups are far apart, but

I haven't seen anything to that evidence.

Mr Klopp: Mr Brander, thank you very much for coming in today. I've known you for a number of years and I appreciate your taking the time, because I know there's lots of work at home to do.

One of the questions that you brought up and that we've been thinking about too is the regulations, and it's in the bill. I guess, just very quickly, there's always a point that if you put too much in the bill there's not an opportunity so easily to change things as time ebbs and flows along, you know as a farmer. But at the same time in the bill there is quite clearly that there are farm organizations; it's mandatory refundable. That's in the bill and I think that has a lot of power so that people can't play games. Like always, like any bill, whether it's regulations or not, the public is the one that pushes politicians to act or not act. I appreciate your comments, though, on that. It's something that we've been wrestling and we'll take it under advisement. Thank you.

Mr Brander: As I said, I'm not strongly opposed to putting it in the legislation. I would tend to think I could find it a little more easily if it's in the legislation. Sometimes I get a bit upset, saying, "Well, go to subsection this and that and regulation this and that."

Mr Klopp: Sure. If I could ask for help to us, would you know of a couple of things that should be in the bill that would satisfy the regs, that you would take out of the regs and put in the bill as classification? Do you have a couple?

Mr Brander: I was just saying that the accreditation, the guidelines for the organization being accredited.

Mr Klopp: Okay, and what you've seen so far.

Mr Brander: Yes.

Mr Klopp: Okay.

The Chair: Thank you, Mr Brander, for taking the time to appear this afternoon. Your views are important to the committee and have played a significant part in the process. We trust that you will stay in touch with the committee as this bill proceeds through the process, either through the clerk, members of this committee or indeed your own MPP, the member for Halton North.

JOHN CLARK

The Chair: The next witness is John Clark. Good afternoon and welcome. Identify yourself and proceed with your presentation. You've been allocated one half-hour. The committee would like a significant portion of that, if possible, for questions and answers.

Mr John Clark: Good afternoon. It's my pleasure to be here. My name is John Clark. I'm a beef farmer from Paisley, Ontario. I'm in the part of the beef industry that's in between the cow-calf sector, which Bill Murdoch is part of and maybe Noble Villeneuve, and the feedlot industry. Essentially, we make our money preparing the calf for the feedlot sector. We have

to live by our wits and I'm proud to be part of that sector.

I'm also part of the Silent Majority steering committee, but I'm here mainly on an individual basis. You have my brief before you.

The stable funding legislative issue has been before farmers for over one year now. It started with quiet, low-key sales meetings in 14 Ontario rural centres sponsored by the Ministry of Agriculture and Food.

Mr Murdoch: We don't have your brief yet.

Mr Clark: As long as it is not taken off my time.

Mr Klopp: There's only one? I guess the clerk is trying to prove that we really do need her.

Mr Clark: She asked me for a copy of it and then she came back without it.

Mr Anthony Perruzza (Downsview): Mr Chairman, I move that the time be extended by two minutes so that he doesn't run out of time.

Mr Clark: Anthony, I appreciate that you're here, because I think I have an important message for you and I think you and I will get along fine.

Mr Perruzza: I have to tell you, in Downsview we're a little short on the kind of people who are engaged in the activity you're engaged in. But I'll tell you, we produce all kinds of tomatoes and beans and everything else, lettuce and onions.

Mr Villeneuve: All through December, January and February.

Mr Perruzza: You bet, in those garden plots.

The Chair: It appears that everybody now has a copy of the written brief. We thank Jerry Richmond for providing that. Let's try this one more time.

Mr Clark: Sure. The stable funding legislative issue has been before farmers for more than one year now. It started with quiet, low-key sales meetings in 14 rural Ontario centres sponsored by the Ontario Ministry of Agriculture and Food. The bill was to be passed in the fall of 1992.

The original idea remains, which is a \$150 fee payable to one of three general farm organizations. One GFO has dropped out, so our choice is limited now to two. Several groups have opposed this legislation.

A large information meeting was held at Kurtzville in July 1992 and several concerns were aired. As a result of a year's worth of dialogue and information, we now have had second reading of a new stable funding bill. However, to the chagrin of the OFA, third and final reading has been delayed till the fall of 1993.

A hesitant group of politicians has made it possible for the farmers of Ontario to have one last chance to review this bill in committee hearings.

There are many things we don't know about this legislation; ie, administration cost, registration details

and just how all farmers are to benefit. Now we wonder, what is the status of the members of the National Farmers Union? Will they have to pay another \$150 to another organization?

What we do know is disturbing, and what is said and what is reality are widely divergent or different. Let me just outline a few problems.

There's been a claim by the Minister of Agriculture and Food, Elmer Buchanan, that he is just a facilitator for the three GFOs, passing into legislation their proposals. The reality is, who wrote the current bill? It wasn't the GFOs. In fact, the NFU has pulled out and disagrees with this proposal.

1520

Another claim has been that the majority of farmers support a GFO, but the reality is that membership in GFOs is around 20,000-plus, and a confidential OFA memo to OMAF targets potential membership at almost 70,000. That is clearly not a majority.

The call for a democratic vote is countered with an argument that no one knows who a farmer is. But the reality is that spokesperson Elbert van Donkersgoed indicated at a July 1993 Kurtzville meeting that OMAF has or will have compiled a list of farmers, complete with registration numbers, to be mailed out as soon as the bill is passed. They do know, it would appear.

Another claim is that the OFA has long said that it will be responsive to all farmers' needs once this legislation is passed, that they will hear all the concerns. The reality is that just this summer there was an open information meeting, at Kurtzville again, which OFA did not attend. Where is their consultation, cooperation and concern?

The Silent Majority, which I'm a part of, has always had concerns about the effectiveness of an organization which relies on government legislation regarding funding. The reality is that the CFFO's Elbert van Donkersgoed confirms that a deal was made to help sell the government's austerity program if the government passed a stable funding proposal. The GFOs are already in tune with the government concerns more than the farmers' concerns.

Next, the cost of registering farmers by a private firm was estimated to be \$25 a farmer in the fall of 1992. We are now being told that OMAF can do this job for between \$7 and \$9 a farmer. That's in the summer of 1993. A total cost of \$150,000 is bandied about. But the reality is that even at \$7 a farmer for 70,000 farmers, this amounts to almost \$500,000, which simply means that somebody can't do any math. The money spent on a registration, probably in excess of \$2 million, plus the cost of a tribunal, could fund some of the cutbacks OMAF programs face. When did government become more cost-effective than private enterprise?

The general farm organizations feel that if they were

given more money, they could lead the farm community to prosperity. Hence the reason that everyone should pay so everyone can benefit more. But the reality is that the Ontario Ministry of Agriculture and Food has county offices all across Ontario with many staff people just to help farmers to become more profitable. That's their goal. The cost for plant, office, travel and staff is approximately \$166 million or \$2,500 for every farmer grossing over \$7,000. That's essentially what this bill covers. I can find no farmer, far or wide, who would be willing to pay \$2,500 for this service. Another \$150 will not ensure profit, only another bloated, inefficient bureaucracy similar to OMAF.

There's a claim that GFOs do good things for all farmers and therefore everyone must share the cost. But the reality is that the expected revenue of GFOs will rise from just over \$3 million to a possible \$10 million. This is a money grab, not "share the cost." If everyone must fund those organizations that "stand on guard for thee," so to speak, should we expect a bill and registration forms from our churches, our political parties or any of the health groups such as the heart and stroke or the cancer societies?

Farmers who don't register or send a cheque to one of the GFOs won't be able to get the property tax rebate back or other government program grants. The reality is that welfare recipients don't have to register or fund on a refundable basis anti-poverty groups before they take part in a government program. Again, this legislation sets a troubling precedent. People, even with no Canadian citizenship, are not denied access to taxpayer moneys or programs.

Claim: The \$150 is refundable. But the reality is that in instances where there was a refundable checkoff, this quickly became non-refundable. Even worse, the fee schedule, as the last speaker talked about, usually rapidly escalates. If refundable is so good, why not voluntary? The benefit of registration does not stand on its own merit. It is just a way to save a few bureaucratic jobs, in my estimation.

Mr Buchanan has said that with the three GFOs there was enough choice. He said that often. Since the NFU has dropped out, the choice is extremely limited. The reality is that we can either support a fiscally irresponsible OFA or a morally bankrupt CFFO, not great choices. Mr Buchanan should listen to the GFO that advocates a farm vote to decide this issue.

There's a goal that is often stated by governments, to dismantle interprovincial trade barriers. That's probably a good idea. The reality is that provinces like Quebec which have a very strong GFO single voice make national farm programs impossible. Congratulations to the National Farmers Union for not tearing down its cross-border membership zones. Bill 42 has the potential to pit province against province. This is not in the country's best interests.

The advocates of stable funding and registration all claim that the majority of farmers are in favour of this legislation. The reality is that only a vote to allow the farmers of Ontario to decide this issue democratically, whatever the proposal may be in the final form, will make sure that there are no mistakes made.

These are a very few of my concerns. There are others, and they include issues of religious objection by the Mennonites. They're not happy about this, and I'll let them speak for themselves.

I have one more comment. I have a question of the Chair. It's apparent to me, watching this committee work, that there's a fairly strong conflict of interest, Mr Cooper. The fact that we have several members of the OFA, current members, sitting on this committee leads me to wonder if the Chair recognizes the potential of a conflict of interest and what the Chair is willing to do about that.

The Vice-Chair: There was a question raised on that yesterday.

Mr Clark: I see they're still here.

The Vice-Chair: I think Mr Villeneuve advanced that—

Mr Clark: No, I'm asking the Chair, not Mr Villeneuve.

The Vice-Chair: I do not see a conflict at this time.

Mr Clark: What constitutes a conflict?

The Vice-Chair: We're talking about a piece of government legislation here right now, and the committee members were selected to sit on this committee to review the legislation.

Mr Clark: But as a farmer, I'm seeing a conflict of interest.

The Vice-Chair: The problem is that a lot of government members do belong to a lot of associations and do have associations in their daily lives that they have also brought into this job.

Mr Clark: Well, define a conflict of interest in this committee. Is there a potential? There's no potential? Anybody could sit on this committee?

The Vice-Chair: No, you have to be an MPP, an elected official. They are chosen by their caucuses to represent their party on the committee.

Mr Clark: We're talking about divvying up \$10 million, a potential \$10 million.

Mr Murdoch: Mr Chair, if Mr Clark feels that he is being intimidated by a conflict of interest, I have no problem not asking him any questions, if that's what he would like.

The Vice-Chair: I don't think he's questioning the questioning; he's questioning the vote on the clause-by-clause section, whether there will be conflict in people supporting or not supporting this legislation.

Mr Clark: I'm speaking for the province of Ontario. There is a cost of registration that the taxpayers have to bear. There's a conflict because there's so many OFA members on this committee and they obviously have a vested interest in making sure the OFA comes to the fore. So I'm asking the Chair.

Mr Murdoch: Maybe you should verify his accusations.

The Vice-Chair: I think if you look at any elected officials who has some background, they come from different religious or racial or ethnic or different backgrounds, even political backgrounds. We carry them in here, but also we're here to represent our parties and our constituents. I think that if anybody felt that there was a direct conflict of interest, they would abstain from this committee. It would be their choice to abstain.

Mr Hansen: Mr Chair, maybe I can make a clarification here. Are any members of this committee directors of the OFA? I think they're just members because they are in the farm community. There would be a conflict if—

The Vice-Chair: As I said, I think, as honourable members, if they felt there was a direct conflict, they would withdraw from the committee.

Mr Perruzza: On a point of order, Mr Chairman: I think it's important to point out that we enjoy a very special privilege here as members of the committee and as MPPs. We can say just about anything we like and nobody can take any recourse against us, but he doesn't enjoy the same privilege that we enjoy in that way. I think he should be advised of that.

1530

Mr Hansen: What are you talking about?

The Vice-Chair: There have been no accusations made. As I said, if honourable members felt there was a conflict they would withdraw from the committee.

Mr Clark: But if I understand Mr Perruzza's comment—and I haven't got the comment to make comments to the Chair about it—

The Vice-Chair: Your comments weren't out of line. I don't think you said anything inappropriate. It was a legitimate question and, as I said, if honourable members felt there was a personal conflict of interest they would withdraw. That has happened in other cases.

Mr Clark: I'm asking the Chair what would constitute a conflict of interest.

The Vice-Chair: Mr Offer?

Mr Clark: I'm asking the Chair, not—

The Vice-Chair: We have been issued conflict-of-interest guidelines by the Premier and by the Conflict of Interest Commissioner.

Mr Clark: Maybe I could get a copy sometime.

The Vice-Chair: Sure.

Mr Clark: I'm open for questions.

The Vice-Chair: Okay, in rotation, Mr Murdoch.

Mr Murdoch: John, thanks very much for your brief. We certainly appreciate people coming and talking to us, because this is what it's all about, open consultation, and we're trying to do that now. You do have some concerns and there are quite a few concerns that you've claimed. Unfortunately, there isn't any proof to them so some of them may be just your ideas or other people's—the secret letter and things like that.

Mr Clark: Just a minute, I have proof of the secret letter. Would the committee like to see the proof of the secret letter I have? Bill Murdoch says I haven't got the proof and here it is right here, Mr Chairman.

Mr Murdoch: You didn't present the proof. I didn't say you didn't have it. Maybe you should get copies made and pass them around.

Mr Clark: May I ask the clerk to take a copy and bring this around to the Chairman? It says, "Confidential Memorandum."

The Chair: Mr Clark, why don't you submit that on the record? We'd appreciate it if you would.

Mr Clark: Mr Murdoch said I didn't have it and I do have it, so there it is.

Mr Murdoch: I said you didn't produce any proof of it.

Mr Clark: You didn't ask me to. If you'd asked me to begin with—

Mr Murdoch: I said you have a lot of allegations here and—

Mr Perruzza: Maybe we can recess for a few minutes until we get a copy of that letter and read it.

Mr Murdoch: No, I don't think we need it. He's got the claim in here so it's the same thing and now he has the proof, so that's fine. That's what we like to see, though, when you do make claims; it helps us out to determine what goes on. We certainly appreciate your giving us proof.

You really don't say, though, whether you're against the bill. You indicate you have a lot of problems with it, but I wonder in the end, what would you do if you had the decision, you were the minister or deciding to help out farming in our community and trying to get a voice that's heard at Queen's Park?

Mr Clark: There is a voice that is heard at Queen's Park, though.

Mr Murdoch: We want it heard loud and clear and we want everybody—

Mr Clark: It's heard loud and clear.

Mr Murdoch: What would you do, though, differently other than the vote—I mean, that's fine, we understand you'd like to see a vote. There are certain conflicts of how we would have that vote and I'm sure you have your opinions. There again, you claim that the government could produce that list. I don't know

whether they could or not; in the past we've heard they couldn't. What would you do then? I'll give you the floor now and you can explain, put on the record how you would handle the whole situation.

Mr Clark: The vote?

Mr Murdoch: No, just what's trying to be done here. As far as I'm concerned, we're trying to give farmers a good say at Queen's Park and trying to unite the farmers the best we can, and I think this is a good bill to do that. Obviously you have real concerns with it, and maybe you want to throw the whole bill out. You really don't say that, you just get to the vote, so I'm asking you, how would you vote?

Mr Clark: If I had a vote, I would have the chance of saying yes or no to it.

Mr Murdoch: How would you vote then, or do you want to tell us?

Mr Clark: I would vote no.

Mr Murdoch: Okay, then that's good. It's on the record you'd vote no. Now what would you do? We have the vote, we'll say; theoretically we've had the vote no. Would you just leave the status quo?

Mr Clark: Sure. What's wrong with the status quo? What's wrong with free association? Really the vote is a compromise, Mr Murdoch. A vote is a compromise between free association, non-compulsory free association, and the chance to let the majority decide. Really, in reality we should be all for freedom of association.

I've compromised my principles to the effect that I will stand for the democratic process, to let the majority of farmers, after they have a full understanding of this bill, the best they can find out about it, to make a rational decision on their own and the majority rules. As we hear, everybody says that the bill will pass, so there's really no problem. Let's have the vote and we'll find out.

Mr Murdoch: There is the problem of maybe the financing, the proper list of who the farmers are. In your case, you feel that would be adequate here; there are other cases where it isn't.

Again, if the vote was turned down, you feel that everything is fine in the farming community and we are being well represented at Queen's Park, the voice is being heard, so we could just let things go the way everything is right now.

Is that what I'm hearing? If it isn't, you can tell me. I'm just looking to see what would happen after the vote if we had the vote and it was turned down, because that's what you would like to see happen.

Mr Clark: We'd go back to the status quo. There would be no bill and there would be no registration or whatever the question was.

Mr Murdoch: That's right. Okay. You're happy with the farming community and everything's fine right

now? Everything's hunky-dory out in the farming community?

Mr Clark: You're assuming that you can make it better.

Mr Murdoch: Yeah.

Mr Clark: I make the assertion that we've already had a lot of money spent trying to make farming profitable, and apparently it hasn't made farming profitable. You're assuming that \$150 is going to make farming more profitable. Show me. Prove that.

Mr Murdoch: If this legislation is passed, that's what we're trying to do. Hey, we're not always right here.

Mr Clark: There's \$3 million being spent on lobbying the government for money that it doesn't have. The government doesn't have money to hand out. It's not their money to hand out. They're handing out taxpayers' money, right?

Mr Murdoch: Okay, are we into another—

Mr Clark: Philosophical?

Mr Murdoch: Yeah, okay, we're getting off the topic here. You're saying that's what we're trying to do. That's exactly right. You're right on. That's what the government down here in Queen's Park is trying to do, make farming better, and hopefully this will help. They're not going to solve all the problems. We know that. But this is an attempt to try to do that. I mean, in your mind it isn't, and that's fine. That's why you're here listening.

Mr Clark: There are a lot of farmers out there, Mr Murdoch, who are concerned about the welfare treadmill that farming has become, and they'd like to get off that.

Mr Murdoch: I'm sure they would.

Mr Clark: I'm one of those. I've heard many things on this committee that indicate that it would like to see the welfare treadmill turned up, more money from government sources that government doesn't have.

Mr Murdoch: No, I don't think that's what they're trying to do. They're trying to get people united.

Mr Clark: If you're saying the treadmill can make farming better, show me, tell me.

Mr Murdoch: That's what we're going to try. We have to wait to pass the legislation, and then we'll go from there. But anyway, I just wondered. You seem to be fine and everything's okay out there, so that's fine.

Mr Clark: I'm happy with democracy, Bill.

Mr Villeneuve: Mr Clark, thank you for your presentation. I'm sorry I wasn't able to be here for the entire thing, but I got most of it. I guess I did get it all. Do you belong to tripartite?

Mr Clark: No, I don't.

Mr Villeneuve: And you're quite happy. You talk about a welfare state of agriculture. Would you consider

tripartite payments, where you pay so much to belong, welfare?

Mr Perruzza: Maybe we should let Mike Harris make the calculations. Just joking.

Mr Villeneuve: You consider that welfare?

Mr Clark: Does it come from government? Does the majority of the money come from the taxpayers?

Mr Villeneuve: It does.

Mr Clark: Okay, that's part of a general welfare program for farmers, however you want to define it.

Mr Villeneuve: You've chosen not to belong to it and not to participate?

Mr Clark: Yes.

Mr Villeneuve: You do collect your tax rebate.

Mr Clark: No, I don't.

Mr Villeneuve: You don't. Well, you're certainly different, and you are here very legitimately then.

Mr Clark: I think other members should recognize that Mr Villeneuve is trying to trap me into the fact that I take part in—I believe strongly that we have some obligations in life. I'm not condemning people who take part in government programs, but I do not; I survive quite well, thank you very much, by not. The question is: How can I, as a farmer, survive without government programs when the rest of the world says I can't survive without them?

Mr Villeneuve: You're here very legitimately.

Mr Clark: Answer that question. How do I do it?

Mr Villeneuve: You're quite obviously a very smart operator.

1540

Mr Clark: Why does everybody else need welfare payments when I don't? You've raised this issue. I'll ask you the question.

Mr Villeneuve: Look, I give credit to anyone who is able to say, "There is a support for me here from the treasury, the public purse, and I choose not to take it." I give you credit for that.

Mr Clark: So what's your point? Do you want farmers to get more welfare or less welfare?

Mr Villeneuve: I am simply looking at the family farm and agriculture in this province to survive.

Mr Clark: More welfare or less welfare?

Mr Villeneuve: To survive, sir.

Mr Clark: More welfare or less welfare? That's a simple question.

Mr Villeneuve: To me it's not welfare, you see.

Mr Clark: Well, more government money or less government money?

Mr Villeneuve: We have a difference of opinion here, and you insinuate here that—

Mr Clark: I'm insinuating? You just be careful.

Mr Villeneuve: You've made the statement that a GFO in Ontario would pit Ontario against Quebec.

Mr Clark: Yes.

Mr Villeneuve: Could you explain that to us?

Mr Clark: No, I've said that it pits province against province. When we have one regional government saying, "We want to do the best things for Ontario," it doesn't allow for blending, Mr Villeneuve, and I think you should understand that.

Mr Villeneuve: I think I do understand to some degree. I thank you for being here. I know I thank you for being in my office, and I was not trying to trap anyone. I happen to know a little bit about your business from just having discussed it, and it's certainly not for me to say. I wanted you to say it, and you have said it, you take no payments from government and you are here very legitimately when you come here being able to state that you take no money from government. We've had a lot of people who fight the same argument as you do, but they cash the cheques.

Mr Clark: I'm not condemning them, and I don't think you are either.

Mr Villeneuve: Nor am I. But you're here very legitimately and I thank you for being here.

Mr Clark: You're welcome.

Mr Klopp: Thank you, John. We're here to talk about this and come up with ideas, and you've been one who has given your views over a number of years. I started to remember back a little bit that I've seen letters to the paper and put a face to you today and that's good.

Mr Clark: Bill's chuckling too; you notice that.

Mr Klopp: Elmer, the minister, my colleague, has been very open in trying to discuss this issue with whoever would listen. He has spent a lot of hours on this—many hours, because I know.

Today you have some interesting points that you bring up in written form. We will take them under advisement and we are glad you were able to come here today. Thank you very much.

Mr Cleary: Thank you, Mr Clark, for your presentation. I take from your comments that the big thing, in your opinion, would be the vote. Is that correct?

Mr Clark: We've got this huge impasse. We don't know whether the vote is a good idea. We don't know whether farmers really want this thing. My opinion may not be the majority of farmers. That's fine. I would be willing to abide by a democratic procedure. I'm not very happy with the idea of this being put in the manner where it could become non-refundable or we'd have to register and become a burden to the taxpayers of Ontario quite generally, frankly, for the registration process, for no benefit for the farmers or the community or for the province.

Mr Cleary: In other words, you feel that there's sufficient registration there now that we would not—

Mr Clark: Listen, I think we give information to bureaucrats till it comes out our ears, and you show me where it's made us a lot better off.

In fact, there have been several comments about the OFA being a positive force. One of the things that the OFA advocated when I was starting off in farming was that all farmers could get a government-backed guaranteed loan if they're having a hard time, and the banks took that guarantee and cashed in a lot of farmers the next year. The OFA lobbied like crazy for that proposal. That was the panacea for farmers, just get the banks off our backs. That piece of legislation put more banks on more backs of farmers than anything else around, and it was largely through the efforts of a lobby group called the OFA. They don't talk about the negative things that have happened in the community.

For instance, John, if you read their latest Farm and Country, they have four good reasons for not having a farm registration in this thing. First of all, on page 6 it says that the OFA has to balance its budget. Then on page 12 Roger George says he wants to be a partner with farmers. Well, if I want to be a partner with you, if I just said, "Can I be a partner with you?" would you say yes or no? I think you'd say no. I would like the right to say yes or no to Roger.

Also in his article on page 12—and I'll leave this paper with the committee—he says that he finds glee that the bureaucrats can't define a farmer.

On page 33 the Canadian Federation of Agriculture is very upset because its nose is out of joint because of a barley issue; there wasn't a democratic vote. Maybe we should have more votes, maybe on barley and maybe on farm registration and stable funding.

Then, going back to Mr George's point about a partnership, on pages 34 and 35 the pork partnership, the marketing board, is trying to come apart. That's a partnership that's trying to come apart. That's been a forced partnership that's not working any more.

So right within the OFA paper there are enough reasons for questioning forcing people to try to unite underneath two banners. I will leave that for you.

Mr Cleary: The other thing I should mention here, and I think I get that from your presentation, is that you don't feel that there was enough consultation with farm organizations and groups when this bill was being prepared. Am I right on that?

Mr Clark: Well, I got a call in the middle of July last year, right when we were doing haying, "There are some meetings being held." It was very low key, and that was the first I heard about this thing. And the bill

gets presented in our busy farm season, not in the middle of wintertime when we can discuss and debate it. That's not part of the issue, but that's a problem.

Mr Cleary: Do you feel there are meetings still being held there on this issue?

Mr Clark: There are a lot of farmers kicking dust out there mad because it's happening, because they haven't got time to wrestle with it.

Mr Cleary: The other thing that had been mentioned earlier and one of my colleagues had already brought it up is where you say you pit province against province.

Mr Clark: Yes.

Mr Cleary: I'm not exactly sure how you mean that.

Mr Clark: If you have a strong organization that says, "This is best for Ontario," it doesn't allow for the blending of ideas between Manitoba and Ontario. What we should be trying to work for is level playing fields. One province may put a whole lot of money into one thing and then say, "That's in our best interest," but if we look at a national picture, what's good for the whole country, that's better. If you have these huge lobby groups, they're not responsive to the needs of the whole country. Their aim is just for the local interest.

Mr Cleary: Those are my questions, Mr Chairman. Thank you very much for your answers.

The Chair: Thank you, Mr Clark, for coming forward and so effectively and forcefully expressing your views. The committee appreciates it.

Mr Clark: I had to wake you up, okay? You were going to sleep.

The Chair: The committee appreciates all the input from everyone who appears before this committee and it all plays an important part in the process.

I will say in closing that the members of the Legislative Assembly take their duties very seriously in terms of representing the general public and also have a very conscious view of the role of integrity of individual actions and members' actions as they serve their constituents and represent the general public in the Legislative Assembly of Ontario. We certainly are very aware of the level of cynicism that exists in that area by and large in the general public, but I want to assure you that each and every member of this committee, as I know them, if there were any question in any of their individual minds as to whether or not they could comfortably perform their duties with that role of integrity intact, they would not do so. I want to give you that assurance. Thank you for appearing here today.

We'll adjourn till 10 am tomorrow morning.

The committee adjourned at 1549.

CONTENTS

Wednesday 25 August 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42	R-89
Ontario Chamber of Commerce	R-89
Don Eastman, vice-president, policy	
Ross Procter, member	
Ellen Lowry, member, agricultural committee	
Fred Taylor	R-94
George Black; Wes Sparling; Brian Milne	R-98
Murray Gaudreau	R-103
Glenn Coates	R-108
Grey Association for Democracy and Growth	R-134
Janette Mazur, member	
Harry Brander	R-116
John Clark	R-118

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- ***Chair / Président:** Huget, Bob (Sarnia ND)
- ***Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)
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- *Fawcett, Joan M. (Northumberland L)
- *Jordan, Leo (Lanark-Renfrew PC)
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- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway
 Hansen, Ron (Lincoln ND) for Mr Waters
 Murdoch, Bill (Grey-Owen Sound PC) for Mr Turnbull
 Perruzza, Anthony (Downsview ND) for Ms Murdock

Also taking part / Autres participants et participantes:

Ministry of Agriculture and Food:
 Burak, Rita, deputy minister
 Stratford, Louise, director, legal services
 Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Richmond, Jerry, research officer, Legislative Research Service



R-8

R-8

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Third Intercession, 35th Parliament

Assemblée législative de l'Ontario

Troisième intersession, 35^e législature

Official Report of Debates (Hansard)

Thursday 26 August 1993

Journal des débats (Hansard)

Jeudi 26 août 1993

Standing committee on resources development

Comité permanent du développement des ressources

Farm Registration
and Farm Organizations
Funding Act, 1993



Loi de 1993 sur l'inscription
des entreprises agricoles
et le financement
des organismes agricoles

Chair: Bob Huget
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LEGISLATIVE ASSEMBLY OF ONTARIO

R-125

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday 26 August 1993

The committee met at 1010 in the St Clair/Thames Room, Macdonald Block, Toronto.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Vice-Chair (Mr Mike Cooper): I'd like to call this meeting of the standing committee on resources development to order. We'll continue with our public hearings on Bill 42, an act to provide for farm registration and funding for farm organizations.

ESSEX COUNTY FEDERATION OF AGRICULTURE

The Vice-Chair: I'd like to call forward our first presenters this morning, from the Essex County Federation of Agriculture. Could you please come forward.

Mr William Olson: I have to apologize. One person's in the bathroom right now, so he'll be here in a second.

The Vice-Chair: We'll give you a moment.

Just for the information of the committee, it's my understanding that we will have a summary of this week's proceedings available on Monday, hopefully, for all members of the committee. Anyway, we'll proceed.

As you know, you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd leave about half that time for questions and comments from each of the caucuses. As soon as you're ready, could you please identify yourself for the record and then proceed.

Mr Olson: I'm Bill Olson. I'm past president of the Essex county federation. I'm also OFA provincial director for the last three to four years. There is a prepared statement coming when the gentleman comes in here. I apologize that you people don't have copies, okay? We were supposed to be here at 3:30 yesterday afternoon. It seems like machinery likes to break down, and even government does sometimes, I guess.

Over the years, in working for the federation in the county and working for the OFA, I've worked on probably signing up 200 members of the Essex county

federation to OFA, and the trouble is—the year of 1988 I was very thankful to our MP Steven Langdon and Roger George to help us get some drought money down there. I guess also that there were MPPs in this room who probably instigated help getting that money too.

But I guess the viewpoint is, over the years that I've sold memberships and been in organizations I've seen the buck passed, and I guess the buck passed for the reason that on the work that the people did in the county and the commitment from the farmers' union, the Christian Farmers Federation of Ontario, and the OFA and the Essex county federation, my viewpoint is I figure the people who have been the carpetbaggers of this industry or the people who have leached on to the people who have done the work in the county or the work through the government, through MPs and legislators and whatever—but I guess the viewpoint there is, I don't think there should be a free ride.

The free ride is that I've seen people who have known that there was money coming out from the legislation from the federal and provincial governments before even, I think, the MPs knew there was money coming out. I guess my own viewpoint is, I lost a farm in 1988 during the drought, but I have the respect of our MPs and MPPs and Roger George of the OFA. He was first vice at that time. A lot of this money during the drought in 1988 would have gone to the west, would have been generated to the west, but these people in these organizations were up front and knew that if we didn't have to stand up for the farmers in our own county or in southwestern Ontario, we wouldn't have ever got any of that money during the drought.

This is past history, but the trouble is, I have a very hard time recognizing that there are people out there who don't want to pay their fair share for the people who have worked. I'm leaving it off at that.

I'm going to introduce the first vice of Essex county. He's going to go over some points on a piece of paper, and I'm throwing it back to you guys to come back at us.

The Vice-Chair: Could you start off by introducing yourself for the record, please.

Mr Ray Burell: Yes. My name is Ray Burell. I'm the first vice-president of Essex county OFA. I'm here today on behalf of the Essex federation in support of the group there. We believe in stable funding for the simple reason that we must have an organization to represent the farmers to be able to work with government and the government to work with us and know who these people are.

I also believe that the government should have some way of knowing who the farmers are out there. There are tax dollars being spent on people who are not farmers and are representing themselves as farmers.

I don't believe the government knows where all the farmers are in Ontario and who they are. Somebody can have a two-acre plot, call himself a farmer and help himself in not paying the sales tax or other portions of it.

As far as opposition to the stabilization, there's a lot of people arguing that you're forced into something, but it is for the good of the farm people in the province of Ontario. We have unemployment insurance. There's a lot of people who never use it, will never use it in their lifetime, pay into it. It's part of the system. The system is to help the others, not just for the personal individual.

I think that we should have a choice in what we belong to, but we're not pushing stable funding to the point of trying to make a system for just a few and not the rest. We're trying to build a system that is open, fair to everyone and the people who are in it to use it. The people who are not in that part of the organization shouldn't be using it. This is our belief.

Other than that, I'll leave it up to you gentlemen to what your views are when it comes to putting the bill through for us.

The Vice-Chair: Thank you. Questions and comments. We have about seven minutes from each caucus. From the government side, Mr Hansen.

Mr Ron Hansen (Lincoln): I notice you brought up the point of the 8% sales tax. You feel this is a real abuse by a lot of people with two acres coming in and that this money generated legally, let's say, to the government, would wind up helping farmers in the sense where there would be more money in the government to promote programs, maybe, in agriculture.

Mr Burell: Yes, I do believe that. I know where there are cases that there are people taking advantage of that. There are other programs similar to that which are being abused by the people, and I honestly believe that the government, in its best efforts, doesn't realize how many dollars have been lost to groups outside of farmers.

Mr Hansen: So you feel that farmers would be treated more fairly in the sense that if you had this registration number, when you went into an implement dealer or feed store, whatever the case may be, as soon as you identify yourself, just like a business that has an exemption from paying sales tax, you would wind up—and you are in business, in a small business that—automatically you'll wind up—but somebody who comes walking in and the implement dealer says: "Do you farm? Do you have over 10 acres?", and he says, "Oh, yes," and away he goes with a garden tractor where maybe it's a 17- or 18-horse. He's not paying

GST. I believe it's over 18-horse. So this would actually stop a lot of abuse, of people abusing the whole system. So there's more to this than just what benefits farmers; it benefits the taxpayers of Ontario also.

Mr Burell: That's right.

Mr Hansen: You were talking about the drought in 1988, I believe. Can you tell us exactly the help that came, just to get it on the record, because a lot of us don't come from Essex and at that particular time maybe I didn't read in the paper of the help that did come down through the work of Roger George and the MPPs. If it wasn't for the OFA, as you said, the money would have gone out west, most likely.

1020

Mr Olson: Right. I guess the whole thing there—at that time I was the president of Essex county. There was real concern from my MP and Roger George that there was election money or possibly money that was going to be passed on out west. They had a drought at the same time. Gentlemen, we have a drought in Essex county right now, and the trouble is we haven't had the rain. We might be in the position of coming back, as we did two years ago, and giving you a brief on what's going to be down there this fall.

But I guess the whole thing there was, it was work between the county and the main organization. It was work with your MPPs. I guess the viewpoint was, a lot of people have the feeling that the people who are in some of these positions are just running out for headlines, running out for a job down the road. I was not. I was representing the farmers at one end of the county. I get most of my phone calls at 11:30 at night until 2:30 in the morning. You guys know how you feel. I had that for that year too. But the trouble is, it was the information and it was the input and the close net with your MPs or MPPs and/or farm organizations to get this rolling. I did not run out there and say they had to give us money, but all we can do as a lobby system, as the Essex county federation or OFA, we're a lobby group and we can make that concern to you guys.

Mr Hansen: So you feel that an individual farmer going to his MPP doesn't have the strength of a whole province of Ontario speaking with one united voice.

Mr Olson: Right. But also, the one thing that I will throw in to you from this point forward as a provincial director and as past president and membership chairman of Essex county, they have three choices: They show the OFA card, they show the National Farmers Union card, they show the Christian Farmers card, or they go and nail you guys. I don't think you want those guys standing on your doorsteps crying for everything that they should have.

Mr Hansen: Well, it makes it a lot easier if the whole area is looked at as an area, not as—I mean, you have to look at individual farms, but then you yourself

would be gathering information on a lot of the damage that was done. There is crop insurance also, but there's still another viewpoint there also that maybe had been overlooked there.

That's all the questions I have. Thanks for coming today.

Mr Len Wood (Cochrane North): Just briefly, thank you very much for coming forward and giving us your verbal presentation in support of the bill.

Just a brief question on the voting that will be taking place. People have the choice of sending a cheque for \$150 and directing it to an organization of their choice, and I just want to know if you feel that this is a voting procedure that would be fair and would register all of the farmers and give them the opportunity to voice their vote through their chequebook to the organization.

Mr Olson: I'm going to throw that to the first vice.

Mr Wood: Okay.

Mr Burell: We believe that they should be registered. That's one way of finding out who the farmers are for the government, so the government knows who they are, and if they want their money back, that's fine. I have no objection to that, because we can talk to those people and try to find out, if they want to have their money back, what it is that we're not doing or somebody's not doing properly that creates them wanting the dues returned.

I think it would help strengthen the organization from the perspective of a strong farm organization and also maybe bring out some of the things in government that we don't see or it doesn't see that they can bring forward to us that we can pass back to government, if they have a grievance of some nature. I don't know just what it would be.

I have no objection to them asking for their money back, but I think all farmers should be registered, or some way of knowing who they are, because there is abuse out there and it's much greater than what we think it is.

Mr Wood: That's the only question I had.

Mr Cleary (Cornwall): Thank you, gentlemen, for your presentation. Just maybe a bit of a question. I know that we've had presenters in the previous few days, some not too far from where you people live. We don't like to see the agriculture community split, and we were just wondering what advice you as federation members could give this committee on how we should be handling these other organizations, because we would like to see the farm community more united than it possibly will be after this goes through.

Mr Olson: The whole thing is, I have no trouble, I think our county has no trouble, showing the membership list to every one of you guys in this building. We have over 700 members out of I think 1,600 census farms. Most of the farmers in the county have pretty

close to 500-acre farms. At one time, that's probably five farms that have been gobbled up. If you want to stay in business, you pretty well have to be a 500-acre farmer or more.

I guess if the other two organizations—one organization is fighting against it, one person who lives in my county. I have no trouble, I've sold memberships right around that fellow. But the trouble is, I'm willing to show 700 memberships. Are they willing to show the 25 memberships that they hold in Essex county?

Mr Cleary: The other thing is the tribunal. You have no concerns about the tribunal and its powers?

Mr Olson: I guess you got to come back, on the tribunal are you saying the three-year vote down the road or—I've been in the field the last couple to eight weeks trying to make up for what I've lost being at these meetings, I guess. So come back to me, John. I don't know. If we have these people back here from my parent, I'd rather have them touch on that.

Mr Steven Offer (Mississauga North): Maybe I'll just add in. The tribunal has significant powers under Bill 42. It can accredit GFOs, it can take away, it can review them, it can determine the eligibility for special funding for the francophone GFO, it can act as a decision-maker in terms of people declaring religious exemption. So it's a group, a body, with a great deal of power which will affect potentially not only farmers separately but also the farming organizations of which they may be part.

Under the bill the decisions of the tribunal can never be appealed. In other words, if you read it, under the bill the tribunal is really saying that when they decide something, it's going to be right. Do you have a concern about there being no process to appeal a decision of a tribunal which might affect you separately as a farmer or affect your organization as a member of the GFO?

Mr Olson: I think what you're looking at, if you're looking at possibly about 20 organizations three years from now that could possibly be asking for those three positions on GFO or possibly whatever way you've got Bill 42 standing at right now, I guess my viewpoint is, we have three, possibly two, organizations in right now. The third organization, I don't know who that's going to be. If you're going to just sit with the two organizations, I have no trouble with that, because the trouble is, at the convention, if there is a concern, if OFA is not working its job, or the Christian Farmers or the NFU, I believe that in the convention you will see the \$150 or whatever being turned over to a different organization.

1030

Mr Offer: But the tribunals make these decisions.

Mr Olson: Right.

Mr Offer: Are you content that whatever the tribunal decides shall always be the rule and that no one

can appeal that decision to another body saying the tribunal made a wrong decision? Everybody else in this province has a right of appeal, except Bill 42 doesn't give it to farmers or farm organizations.

Mr Olson: I guess the whole thing is, I would decline from that question partially on the position, let's get Bill 42 through. Let's go with it. Let's see it in three years. If it doesn't work, fine. That's my answer.

The Vice-Chair: For clarification, Mr Klopp?

Mr Paul Klopp (Huron): Yes, to Bill, there seems to be a question coming from the official opposition about the tribunal. Just quickly, you've been involved in this for a long time, trying to help set it up, but I know what it's like when you're out in the field for three or four days. Life goes on.

Basically what the tribunal is, when we were talking about and going through these discussions for now almost eight years, one of the things I think even you and I talked about was allowing, you know, if there are other farm groups that are coming up through and we set up an accreditation program, and also with the business with the issue of religious organizations and stuff, allowing them to come forward to be exempt, you need a body. It's going to be like an ABC—agency, board and commission—in this case a maximum of seven people, and yes, there are certain powers they have, but the powers are based on what your regulations are.

When we talk about the appeal process—the question was asked yesterday—yes, you come in as a new farm organization and you look at the criteria and you think, "We have this group; we'll look at them." They may say, "Based on the criteria, sorry, you don't meet them; we turn you down." But by no means it doesn't mean you can't come back again next month or whatever or come back again and try. So that's the process he's talking about and he's wondering if you were concerned about that.

Mr Olson: No. You've got to get into that position first to be worried about it.

Mr Klopp: Okay.

Mrs Joan M. Fawcett (Northumberland): I don't know how much time we have left.

The Vice-Chair: A couple of minutes.

Mrs Fawcett: In one part of the bill it says that the ministry shall promptly forward the cheques on to the GFO. Would you like to see an actual time—three weeks, a month—rather than just promptly? Would that be an amendment that might be considered? Do you think that matters, that there's just sort of "promptly"? There's no real time line there where those cheques, once the ministry receives them, should be forwarded on.

Mr Burell: I think there are probably going to be some amendments and what not once the stable funding

is put into position. There will be some things we'll find that will have to be changed, some fine-tuning to it, that possibly we don't foresee right now. That would probably be one of them. But to say that I should at this particular time, I'm not too sure on that. I think we're going to have to wait and see when it gets going how it's going to be.

As far as on the tribunal, I think that can always be adjusted through the committee, through the organization, and with the government working together with them. It's like any other part of the system that we have today. If there's something wrong with it, we work at it to correct it.

Mr Bill Murdoch (Grey-Owen Sound): Welcome to Toronto. I'm glad to see you make the trip here and get here today and bring your presentation. I just have a couple of questions because a lot of them have been answered.

One of the things we've been accused of here, as a committee and as a government, is that we're not very democratic because we're not allowing a vote. You've heard that. What do you think of that? I know we sort of touched on it, but you're prepared to go ahead without this vote that some people are calling for?

Mr Burell: We're accused of that every day. That's why the people around the world rush here to see us. When things don't satisfy anybody, it's always the shortest route to say that you're trying to set up a dictator policy.

Mr Murdoch: You're satisfied the way things are?

Mr Burell: Yes.

Mr Murdoch: Okay, that's one thing. Another one, I think, is that in the bill it says the minister may review this after three years. The word "may" is there, and there's been consideration around the table that we should change that word to "shall" review it. That means he will have to. Would you be more comfortable with that way rather than "may"?

Mr Burell: Yes, I would.

Mr Murdoch: Okay. The other one in that is that they're talking about the minister. There has been thought that a committee such as this, an all-party committee, would review it rather than the minister or in conjunction with the minister. The way it is now I believe it just leaves it with the minister. Would you be more comfortable too maybe that a committee be involved, because that sets all three parties?

Mr Burell: Yes, I think so.

Mr Murdoch: We like to know that, because I know when they go to clause-by-clause they'll want to consider that. Okay, I really don't think I have any other ones, Mike, because most of them have been answered.

The Vice-Chair: Mr Olson, Mr Burell, on behalf of

this committee I'd like to thank you for taking the time out of your busy schedules and giving us your presentation this morning.

Mr Burell: Thank you for giving us the time.

The Vice-Chair: You're welcome.

CANADIAN FEDERATION OF AGRICULTURE

The Vice-Chair: I'd like to call forward our next presenters, from the Canadian Federation of Agriculture. Could you please come forward. Good morning. I'd like to welcome you on behalf of this committee. As you know, you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd leave some time for questions and comments from each of the caucuses. As soon as you're comfortable, could you please identify yourself for the record and then proceed.

Mr Jack Wilkinson: My name is Jack Wilkinson. I'm the president of the Canadian Federation of Agriculture. I do not have a prepared brief. I'll only need about five to seven minutes for my presentation and you'll be able to get back on agenda time, I hope.

I really am here not as much to speak to the technical aspects of this particular legislation. When I was on the Ontario Federation of Agriculture, I was one of the co-chair people with the Christian Farmers when a committee was set up, probably about seven years ago, in that time period, to really follow up with the resolution that had passed at our OFA convention, and that was to pursue the concept of a stable funding mechanism for general farm organizations. So I really have sort of the history of being involved in the general topic area of stable funding, but since becoming CFA president, I do not feel comfortable in talking about the technical aspects of this particular bill.

What I do wish to pass on to committee people here is the very grave concern I have as president of a national farm organization that there needs to be a type of funding mechanism in place. That normally applies at the provincial level because that's where membership of farm members has historically been, in our organization anyway, and then that money flows through those provincial organizations up to fund national organizations. We also have commodity boards that belong to our group and we have representation of around 200,000 family farms that are in fact in the membership of the Canadian Federation of Agriculture.

But some very serious things are taking place which I think the committee people should be aware of, and they have ramifications back to this bill: number one, the whole issue of farmers financing their ability to have input into government policy.

The federal government, for example, has in its mode of deregulation and user pay made it very clear that a lot of the support that it has historically given to farm organizations to participate in the consultative process

is in fact disappearing. It is clear that over the next number of years the farm organizations want to make presentation in a host of areas, not ones that you may consider would be the obvious ones that the farmers should be willing to pay for, but the not so obvious—the regulatory framework, standards, a whole host of health and welfare issues, regulatory in relationship to pesticides, transportation policies; it goes on and on and on—which have had committee structures in place which have really been funded. The participation has been funded so that we've been able to have a broad representation in the farm community across the country. That is disappearing. Therefore, as it disappears, the farm organizations, if in fact they're going to represent their people, have got to have some mechanism in which they can raise money in a broader-based format than is currently the case.

1040

We really only have one province that substantively has a farm organization that is really funded by the broad base of the farm community, that being Quebec. Most of the others have membership type programs that may have a lot of farm members involved, like Ontario with a fairly significant percentage, all the way through to ones that have a difficulty in really having a very large percentage of their farmers participating.

You can look at that one of two ways. You can say, well, if the groups were doing their job, every farmer would belong. But I would hazard a guess to make the comment that I would be surprised if very few people would belong to a labour union if they got all the benefits of the labour union without having to pay dues, or very few people would belong to a whole bunch of things if in fact they could get away with taking all the benefits without having to pay the piper. I don't accept that argument, so therefore it gets back to, "How do you fund these organizations?"

There's no mechanism which we wish to pursue at a national level. There are some abilities for checkoffs on commodity organizations at the national level. We do not want to pursue that because we have a provincial organization that exists in all of our provinces. Therefore, it gets down to what is going to be the mechanism for funding for provincial farm organizations, and are they in fact going to have the ability to raise money from the broad spectrum of membership and then hopefully not have to have the fees too high that people feel that it's prohibitive?

So we're pleased to see Ontario moving ahead in this direction. There are two other provinces at minimum that are watching very closely what happens in Ontario because they would like to adopt similar legislation. In Manitoba, the Keystone organization is looking at changes to its legislation. Because of the way theirs is designed, it's been creating a number of problems even though it's been in existence for probably three years.

Alberta's actively pursuing a similar type of program with its government. Alberta, being what it is, tends to be the land of the free and the individuals and therefore it'll take more time to encourage them to see the light than some others. But it will still be very useful if in fact Ontario, another place of the land of the free, has the ability to in fact show that it works here also. So from that point of view, it's very, very useful to see this move ahead.

As far as any technical aspects, I think those will through regulations hopefully be sorted out and it will be no different than the other legislation that comes into being: You do the best you can when you pass it. There will be some blemishes that will show up as time goes on, and there's a process in a democratic government to make amendments as we find those blemishes. I assume this one will be no different. I think one has to weigh the risks of not passing this legislation and having it drop off the agenda and what that in fact means to the farm community to respond to a host of issues.

For example, the Canadian Federation of Agriculture has around \$850,000 on which it's supposed to run basically and comment on everything that's happening, from rural development to trade to depopulation in the Prairies, and the list just goes on and on and on, and come up with significant policies in all of those areas and then lobby government provincially and federally to make sure the farm community is represented and in fact has a strong, viable industry. You don't have to stretch your imagination very far to figure out that's the art of the impossible. So therefore we are not able to put the resources in place to have the equal debate that should occur between governments and community or individual groups. It becomes a very one-sided discussion because there are unlimited resources or appear to be unlimited resources on one side of the issue and it's very difficult to muster the type of technical and research documentation that's required.

I would very much like to see Ontario have the ability in which all of the farmers, or at least most of them, have the opportunity, and if they choose not to accept that as an opportunity and want their money back, at least the onus will be on them to in fact request the money back. I think it would be viewed very positively. There will be some people who disagree, obviously; you've heard some of them. But I would like you to weigh the size of the voices, and not by volume, but by people. You have to make a decision as a committee as to whether the opposition that has been expressed, first of all, is significant; secondly, and maybe equally, whether the opposition is legitimate in its concerns and whether in fact there is anything that is so overwhelmingly repugnant to the individuals in this legislation or whether the common good that the legislation will give organizations outweighs the individual concerns of some people, knowing full well they

have a very limited obligation before they can in fact ask for their money back and opt out. As I understand the legislation, you're not really imposing a very arduous sort of process in which they can opt of belonging, and we're not really talking of press-gang sort of stuff here and making it extremely difficult. So I think that has to be weighed. It's not good enough just to say, "I had people in my riding come in, and they're opposed to this." You also have to be willing to look at the size.

I guess one final point. General farm organizations and organizations in particular spend a great deal of resources in policy development, in weighing the pros and cons, and in voting processes sort out what is the compromise position to deliver to government. That is a very worthwhile process to take place, because it's very difficult for any sitting member to in fact access that. You can have people come into your home or into your constituency office and lobby for something in particular, but better to have the debate in the farm community and some sense that the majority has overwhelmingly ruled on this and all points have been discussed than to have that debate on all pieces of agriculture legislation in committee and in the House when it comes to voting, because nothing will pass until that debate has occurred; you can be assured of that. So better to have farm organizations that are designed to have that debate within, in a free and democratic and open way, than for you as MPPs to have to deal with that debate and try to assess whether in fact this is for the good of the entire population, or the majority. So there are lots of good, positive reasons to have dynamic and strongly financed farm organizations, in my opinion.

Thank you. Sorry for overrunning on my seven minutes.

The Vice-Chair: That's fine. Questions and comments?

Mr Offer: Thank you very much, Mr Wilkinson, for your presentation. I enjoyed it very much. You will know that as we go through these committee hearings, not only do we listen to the concerns and the comments for and against pieces of legislation, but we try to make the bill in the end result the best that it can possibly be, grappling with some of the issues that have been brought forward.

I would like to just deal with one small matter with you. The tribunal, as you know, has a significant amount of power dealing with the accreditation, the review, whether someone is eligible for a religious exemption, whether francophone organizations shall be able to have special funding. So the amount of power that the tribunal, as established, will have is significant. There are going to be, by regulation, criteria that will help the tribunal and those coming to the tribunal to know sort of the rules of the game.

The issue I bring forward is one that says in the legislation that the decision of the tribunal is final. I brought it up before the previous deputants. I would just like to get your thoughts as to whether any farmer or any general farm organization should have in principle the right to appeal a decision of the tribunal without having to go to the court system. Notwithstanding how definite criteria are, you will know that people say, "Well, they didn't put the right weight on these factors, and the decision just wasn't right."

In this bill, that right is not given to farmers or GFOs, whereas it is a right that exists for the general population: Real estate agents, if their licence is revoked, have a right to appeal a decision; parking tickets; anything that you might want to think of. I wonder whether in principle maybe we should be looking at establishing a right for farmers or farm organizations to appeal initial decisions of tribunals.

1050

Mr Wilkinson: Again I want to put on the record that I am not a technical expert in relationship to this particular piece of legislation, but I can give you the philosophy behind why the principle of a tribunal was first talked about. I'm probably not going to be able to answer your question specifically, but the feeling was that there has to be a process in place in which people and organizations will know what has to take place, first of all, to meet the criteria to in fact get the checkoff. It does not make a determination as to whether an organization can exist in the province; people will be free to have organizations as they see fit. But before one has the advantage of in fact getting on a ballot, or whatever the right terminology would be, to have a different process in place of being really legitimized as a named farm organization in the province with some sort of stature on a different level, there should be some criteria that have to be met, I agree with that.

I guess the next point is that once you have that, it has to be removed from the political process so that it does not become an issue in which you're dealing directly with the agriculture minister. Not that I have any problem with ag ministers in general, but it should be a system which is not just directly tied to the political whim of people as they come and go. People make very funny decisions sometimes on the way out of office, and so we don't want to get caught in that kind of trap.

I don't think that this legislation should have any more difficult and more arduous steps than others, so I guess one would have to sit there and compare. I know we have drainage tribunals. We have a host of tribunals that are fairly well accepted in the farm community in general as the appeal body or the decision-making body. I guess in a vague way I would say this should sort of embody those.

If it's not in the legislation in a fair way—I won't

make comment on that because I don't know the technical aspects. But the reasoning was to get it away from the political process, put it at arm's length both from the farm organizations as well as government, with a set of standards to be met to get in and a set of standards that would have to be met that were fairly broad but critical—ie, annual reports and membership list etc, and a democratically elected executive. If you can't meet those standards, there should be some mechanism as a fail-safe, in fact an organization starts dealing in a host of areas that put it off the rails. Past that point, I don't feel comfortable in commenting.

Mr Cleary: Thank you for your presentation, Jack. I guess one thing, as national president, I'd like to ask you: You saw a copy of the draft registration form?

Mr Wilkinson: I saw a copy of a draft, but I think it was one of the early ones and I don't know if there has been one since. I assume there have been numerous drafts. I've been out of commission on this for about nine months, on the final developments.

Mr Cleary: Okay. We have another draft since that, so I guess that wasn't a fair question to you.

The other thing that maybe I should ask you: Being you're dealing with agriculture in so many areas of this country, I'd like to get your opinion on the time frame that farmers could request their refund.

Mr Wilkinson: My sense is it's got to be viewed as a fair process. I would think that issue should be dealt with in the regulations. I think there should be certain broad time frames that are realistic, that organizations, without having to really sort of gear them—as time goes on, these membership lists will probably come throughout the year in a fairly broad-based pattern, but in the first couple of years, I can see when you go into a registration process that there are going to be real bubbles as far as volumes coming in. I don't think the legislation and the amount that is agreed upon is so inflated that you want to put those organizations in a situation by meeting the regulations that in fact they have to hire a host of new employees to work for two or three months to handle it.

I guess my sense is it should be viewed as a legitimate time period by the farm community for those who want to receive their money back, but the regulation should not allow delaying tactics to take place by any of those organizations. I think that will be the time frame that's reasonable. I mean, I just got my final acreage report done for unseeded acreage this spring and I'll have to wait for the crop insurance cheque. Is that reasonable to wait for nine months for a government cheque for a crop that didn't get planted this May? I'd say the farm community would say no. My sense is it should be at least as fast as government moves and, hopefully, faster in a host of programs in which it has obligations.

Mr Murdoch: It's good to see you again, Jack, and I've heard you speak on this many times. One of the things I thought I might ask you, what do you think with NFU dropping out; what are your thoughts on that?

Mr Wilkinson: Well, the NFU has had opportunities ever since it started. When the original committee was formed an invitation was sent as well to the NFU to participate in that process. At that time period they chose not to and so it became the Christian Farmers and the OFA that put a process in place and developed policy and started lobbying government and the three political parties.

The second go-round they were offered again. I know when Brigid Pyke was involved, they were at the open meeting that was held at the airport strip. The NFU participated in that meeting, and then again chose not to get into the fine details of the development of the program.

This last go-round, they were invited. The minister, I think, to some degree, insisted that they participate if they in fact wanted to be on the ballot. Without being uncharitable, I think, clearly they had some objectives that were different from the other two groups and really changed sort of midstream as to what their objectives were, even though they had originally agreed on a number of principles from the information I was privy to and was general information that they chose at a later date to withdraw.

I don't think there's much one can do about that, quite frankly. The legislation will still be available to them, in my understanding, as it will be to any organization that meets some of the broad-based criteria. If they chose, for whatever reasons, to drop out of the process and wished not to be named, then my sense is that they should fall into the same category as any new entrant farm organization would have to fall into: meet a certain number of criteria and have a certain time period of existence once the legislation is passed before they can make application. If they meet the criteria, they're in.

Politics is politics. I think you have to look at the fact that that really is a national farm organization the way it's designed. Then it filters down somewhat to locals at a provincial level and some decisions are made at the national body and by their constitution they're bound to fall in line with that. I don't know the logic of the decision made in Saskatoon, but I'm assuming that's where it was made. I don't think that should be a reason for not pursuing with the legislation.

I think the principles have been out in the farm community for quite some time. There has been a lot of discussion over it. I think you have a lot of information privy to the members on the committee as to those in favour of the legislation, the commodity groups that have supported it in a general way or stayed out of the discussion but have clearly not come out against it.

You've had your hot line; you've had your x number of meetings in the countryside; it's gone through public debate at annual meetings, county—you add them all up. I think the weight of those people in favour is very, very substantial, and if they choose for their reasons to opt out, then they should fall into the group that re-enters when they see fit to or whatever the case may be.

Mr Murdoch: One other question I'd just like to hear your thoughts on—you were often criticized here because of this no vote, and a lot of the people who come to the table are basically opposed to this bill because they don't have this chance to vote and I know you're involved. I'd just like to hear your thoughts, how you would answer that, if you happened to be sitting here and you're being criticized that you're not allowing this vote.

Mr Wilkinson: You mean since I asked Charley Mayer to have a vote on the withdrawal of barley out of the marketing, how would I answer this question?

Mr Murdoch: I thought it might be interesting.

Mr Wilkinson: Well, I think there are a couple of issues here. If it had been mandatory I think that would have raised the debate as far as the vote substantially and it would have been a more serious question, in my opinion, for the committee to have to grapple with, if everybody had to be in, period, end of discussion.

There's a lot of flexibility in this legislation which I guess is somewhat different than when you compare it to marketing legislation where you're either in or you're out. You're in a system and only one system and there's no choice even within that system, okay? There was the opportunity, when the discussion took place, for three farm organizations to be in. So a fair degree of flexibility in the philosophies that were put, a choice for the farmer and then the ultimate choice, I guess, was given when the amendments took place that would allow people to opt out if they chose not to belong.

1100

I think you have to divide up this legislation into two pieces. One is a registration process that in fact is of no benefit to the farm community on first flush. It is a benefit to government. It is a benefit to OMAF. It's a benefit for collecting data, and to that degree it'll be of benefit in policy development. But we really have the registration process, which more or less is mandatory if you want to have a government program, and then we have the supporting of a general farm organization, which can be viewed as totally voluntary. Yes, you do have to. There is one linkage, and the linkage is to register. You have to send some money in and then the voluntary aspect kicks in. If you don't want the money to stay in, you can ask for it back.

So if you look at it that way, which I do, I think there's a great deal of flexibility given to the individual farmer, that the registration being the mandatory aspect

is really of no benefit to the farm community per se other than by arm's length. I don't view it in the same way as I would view marketing commodities through only—if you vote to go into a supply-management, market-mode regime, there is no flexibility then within that, and I think there's a lot of flexibility in this legislation.

I guess if you had a large hue and cry from the farm community for a vote, as in a big percentage of people, again that would be a different issue, but I don't sense that. I was around to a lot of those meetings that took place and OFA was criticized for having a lot of organization—its membership vote, but the opposition could have been put in one bus and trucked around to a lot of those meetings, because I was at a lot of them and it was the same people in the crowd. My toes and feet counted a lot of the opposition, to be brutally frank, and I don't think you can overly inflate that to try and take out the benefit of this legislation. I think that has to be seriously addressed. You don't have a huge group of people who are against this now that you have the refundable aspect in it.

The Vice-Chair: Thank you very much. Mr Wilson, Mr Hansen.

Mr Gary Wilson (Kingston and The Islands): Thanks, Mr Wilkinson. I've enjoyed your comments, both your opening remarks and the responses to various questions. In fact, mine have been largely answered, except for the one about—and you were touching on it in the answer to your last question, the benefit of the GFO again. In your opening remarks you compared it to a union, the issue of the free rider and getting the benefits of what the organization can achieve without paying for them directly.

With a union, as an example, it very directly negotiates wages, benefits and working conditions. I was wondering whether you see that, as a GFO, as being—how do you see the relationship there, I guess is the question, speaking to the issue of how the ordinary farmer would see a benefit in the GFO in those areas?

Mr Wilkinson: When I was giving the comparison to the union, I was giving the comparison in the aspect of how many people would belong if in fact they received the benefit without having to participate. I wasn't wanting to compare that particular aspect to this legislation, other than the context in which I used it.

I maybe should have used the example, how many people would pay education tax if in fact they didn't have to pay education tax? Maybe it would have been more appropriate—or a host of other ones. The point is, if people receive benefit and they don't have to support it, it's a fairly easy decision not to participate and you're really getting the very benevolent people who are in fact taking out the memberships and covering the cost of those organizations.

I think general farm organizations will go the direction in policy development as to what they'll be asked to do, that the membership elected to them will ask. I'm not trying to make that a flippant answer. It certainly wouldn't bother me if farm organizations got to the point where they in fact could get at least the poverty level for their per-hour rate they put in producing food so well and so effectively for the general population in Ontario and Canada. I wouldn't get upset about the fact if they had that leverage in society.

But as to this point, we have been more in the area of a broader-based policy development that has commented and encouraged governments, provincially and federally, to move in certain directions. The farm community has not yet really, other than through its market board structures, ever seen its general farm organization getting to the point of sort of negotiating salary and wage and benefit and severance packages and what not, not the same as the European farm groups have in fact done in some countries.

I guess the short answer is, what OFA will be asked to do in the future, or CFA, will be what policy resolutions pass at their annual meeting. If the day comes that the farm community wants its farm organizations to get involved in that heady sort of stuff, then my assumption will be, when the resolution passes, that's exactly what they'll do. So far there's none of that on the books that I'm aware of, in those general farm organizations that I've been involved in.

Mr Hansen: Jack, you've touched on the National Farmers Union. Actually, it has to do with their constitution in the way they're set up to operate as a general farm organization.

There was a gentlemen here who was from the youth wing and his comments were to the point that we need something nationally, not just locally. I can't agree with that completely, because if we take a look at Canada as a country, we wind up having provinces, we have a Premier, we have representatives in each province and then we come down to a local level where we have town councils.

I take a look at the structure of the OFA and taking a look at the Canadian Federation of Agriculture in the same light, I feel that with this bill, with the 25% minimum—and I think the OFA said they would look at about 33% of the money going back down to the grass-roots part. So I sort of disagree with what the National Farmers Union said and this is why you're here, because I've heard both sides.

I'd like to hear a little bit more on your side—actually being the national president—on how your feelings are with the breakdown as we get down to the grass roots right up to the national level. Is it a breakup of the farm community in Canada if we wind up having provincial regulations in each province?

Mr Wilkinson: I don't like to comment negatively about what other farm organizations and individuals have chosen to belong to because they view they're the models they wish to participate in.

All I can really comment on is that our federation has really adopted probably more closely the political model that exists in the country, as you've described yourself, than some others have. I mean, we very clearly have—a lot of our provincial organizations have county or district federations below them that make up their structure.

If you take Ontario, it's a perfect example of what's laid out as geographically. The farm community, the way it's divided up by counties, there are county federations in every one of them—or districts in the north—to a provincial to a national. I think that's a very useful way to be designed; there is good reason for it. We have the OFA that's lobbying the provincial level and then making input into the national level—after we shake out the 10 provinces and the national commodity boards that belong to the CFA, once we design policy, then it becomes our role and responsibility to deal with the federal government in those areas and responsibilities that are under the jurisdiction of the federal government.

I find our system very useful, and others have chosen otherwise. Ours has the natural flow to it in my mind and I'll leave the comment at that. I'll just leave it at that.

Mr Hansen: There was one more thing. You got one—

The Vice-Chair: No. Thirty seconds, Mr Klopp.

Mr Klopp: Thank you, Jack, for coming out today to remind us. I think you tied in with what Bill and Ray, as real people out there in the field, talked about.

We always hear the headlines and what's been discussed in your farm organization when there's a rally or whatever, but in order to get to those rallies and to get to a headline, you need the day-to-day slugging of organization, and that's really what this bill is all about, allowing people the opportunity to work day to day and quietly, but for ever forward for those moments when things arise. I guess it's the headlines that we see at the end of the day.

So I thank you very much for your comments and taking the time to come out today to talk. I think your points are very well taken and we'll continue to work on it. We've got this bill for a few of us. Thank you.

Mr Wilkinson: Thank you very much for having me. I do apologize a bit. I know it's provincial legislation and I know that I'm the national president, so I felt a little antsy about coming, but I think it's important for you to give some consideration to what the deed of regulation and the problems at the national level create. Therefore, the question is: The resolution of the problem

means well-funded provincial farm organizations that belong to ours, and if in fact this type of legislation doesn't move ahead, then what you do is cripple the national organization, because OFA makes up about 25% of the contribution to the CFA and if it has no ability to pass money through the system, then there in fact becomes no Canadian Federation of Agriculture trying to deal with those national issues.

That's the reason I'm here, not to try to interfere, but to give you the reasoning for why we need this type of legislation, hopefully more than just in Ontario. So thank you very much for the opportunity.

The Vice-Chair: Mr Wilkinson, on behalf of this committee, I'd like to thank you for taking the time out of your busy schedule and giving us your presentation this morning.

Mr Wilkinson: Thank you very much.

1110

KELLI CROWLEY
MARY-LOU GARR
BETTY SEMENIUK
DONA STEWARDSON

The Vice-Chair: I'd like to call forward our next presenters: Dona Stewardson, Kelli Crowley. Good morning. As you're aware, you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd allow some time for questions and comments from each of caucuses at the end. As soon as you're comfortable, could you please identify yourself for the record and then proceed, and could you please speak into the microphones for the purposes of Hansard, so they can pick up what you're saying.

Mrs Kelli Crowley: Good morning. My name is Kelli Crowley. I'm from Perth county. This is Betty Semeniuk from Oxford, Mary-Lou Garr from Niagara and Dona Stewardson from Lambton.

I am a wife, mother, farmer, Catholic Women's League member and a provincial director on the OFA board. My husband, Matt, and I own a 50-acre farm in Perth county, where we raise 50 sows, farrow to finish, and three children. Matt also works off the farm full-time. It was not always that way. When we first married, my husband would never even consider taking a job off the farm. But as economics would have it, that is the way it goes.

I would like to encourage your support of the farm registration act, because I believe it will benefit government and farmers. This is a progressive move, a bold initiative, with impetus being on individual farmers to register themselves and to belong to a GFO or not. As a professional group, we as farmers have the responsibility to define ourselves, and this act is the first step towards that definition.

Today we are trying to compete in a global market with a farm lobby and support system that's over 40

years old. Many farmers would not think to use a piece of equipment that old. We need a system that helps us look after the wellbeing of our farmers through government and GFO support. This is a win-win bill for government and farmers. This act will help to define the demographics of rural Ontario, and that will enable you to decide where and what types of services are needed out here.

This bill doesn't need to be perfect to start with, so don't worry about making it perfect. That can happen as the years go by, and we can help to make it a better bill. That's what's so great about GFOs being grass-roots-oriented. This act started with some farmers in Lambton county saying, "We need a change," and progressed through the OFA, the CFFO and government action.

I know there are arguments out there against this act, such as it's a way for GFOs to pick our pockets. I counter this with GFOs and their members have been lobbying and working on behalf of all farmers in this province, not just paid members, plus I don't believe there are as many farmers out there as some people would like to think. There is more than one farm owned by more than one person, and some farms are owned by people who don't farm them. But I'm not here to play a numbers game with you. The only way to know for sure is to legislate this and get the figures.

Another argument is that farmers aren't having a say. Well, I'm here having a say and to tell those farmers who feel that they don't like the policies of the existing GFOs that there are rules that clearly define what a GFO is and how to establish themselves so that perhaps they would also benefit from this bill. I think it is always a good thing to have a choice and this bill certainly gives farmers that choice. Thank you.

Ms Mary-Lou Garr: Good morning. My name is Mary-Lou Garr. I'm from Niagara. I'm proud to be in the business of producing your food. I thank you for this brief opportunity to address your committee. I'm here to speak in favour of Bill 42 because I see it as a valuable initiative for the farm families of Ontario. I'm sure that over the course of your hearings you've heard lots and lots of information and comments about the value of the farm industry to the economy, but what I would like to talk a bit about is my role in that industry.

I'm one of the new generation of farm women. Every morning I put on my coveralls and my rubber boots and on our 350-acre mixed farming operation, hogs, grain, grapes, I go into the hog barn every morning and I do all the things that a farmer does in that hog barn. I breed sows and I—not personally but I supervise. I clip teeth. I help castrate. I feed. I clean pens.

Then I go back into the house and I shower and I put on my suit and go to my office job where I make quite a generous salary, fortunately, because on a farm like ours there's too much work for my husband to work our

farm. Quite frankly, there's too little net income to support the entire operation. My salary goes basically entirely to one of two things: either supporting our two daughters who are in university, which the farm could never hope to do, or into the farm operation itself.

I'm willing to do that. I'm even willing to take my three weeks' vacation every year in May because I spend it on a tractor. There are farm families all over this province exactly like ours. But we're proud to do that because we're performing a vital service for society. In general, we're a proud bunch and we are an independent bunch. We do need a strong, well-funded general farm organization to represent our interests.

Farmers don't share daily coffee breaks where we work so we can sit around and talk about social contracts and legislation. We don't all leave work from the same parking lot so that we can share with each other our ideas and our concerns. Farmers by nature rely on ourselves and we very rarely share our pain. Decision-makers, quite frankly, often receive confusing signals when policy is being developed from this widely divergent group that we are.

I became involved in farm organizations because I wanted to have some influence on my future. I wanted to be recognized and I wanted to be respected as a farmer. I want it for myself and my husband and I particularly want it for our 27-year-old son, who is presently in the process of taking over our operation. Ontario consumers, I think, need his youth and his energy.

I know that he needs Bill 42 so that he will have a strong representation during his farming career. He needs Bill 42 so that his government can create programs that will be of use to him as a genuine farmer. He needs Bill 42 so that the government, and not census takers like my 20-year-old daughter, will decide who is a farmer and what programs should be developed and who shall be entitled to them.

Don't be deterred by the furore over mandatory registration. I totally support the inclusion of a refundable registration fee. I think that has made an incredible difference. I challenge anyone now to prove unfairness in this legislation as it exists. I don't think it's uncommon for decisions to be made in the face of opposition if they offer a net benefit to society, and I believe that Bill 42 will definitely be a net benefit for our son and for all the other sons who will be the next generation of food producers in this province. Thank you for this opportunity.

Ms Betty Semeniuk: My name is Betty Semeniuk. I'm from Oxford county. I'm a farm woman and am in operation of a broiler and cropping 300 acres with my husband, Bill, and three children. I'm here in support of Bill 42. I became involved with our Oxford county federation—and am presently president—because I wanted to make a difference in agriculture because I've

been in agriculture all my life and was raised on a dairy farm.

I volunteer my time and my energy because I want to see agriculture remain a vital part of our county. Over the past nine months our farmers have been put in front of two major issues that are confronting them, actually in the busiest time of our year, spring and fall. This is a time when we are all focused on either planting or harvesting.

To have an individual farmer have to go in front of a lawyer at a hearing to fight his battle at that time is just not a realistic point of view. I think if we, the farmers of Ontario, could have someone in our corner fighting these battles and giving us the resources to go up against the high-powered lawyers and the people who are hired for that specific job, we would do a more credible job.

1120

It has just shown me that stable funding should be a part of the GFO funding. Because of these two issues, the farmers are looking to the federation for a way of solving them, because the normal farmer on the back road does not have the time to take part and do a credible job on his own. So he is looking for an organization that's going to be in our corner. That's part of my reason for being here. I'm going to speak on behalf of the Oxford county farmers. This issue is near and dear to my heart because I've spent the last nine months fighting these two battles.

Ms Dona Stewardson: My name is Dona Stewardson and I'm a farmer from Lambton county. I have six generations on both my husband's and my side that have been farmers. We're very proud of that. We now have sold our farm to our son and daughter-in-law and we're pleased that they can carry on in agriculture. We now have two grandchildren and our only hope is that it will be available for them.

We here today support Bill 42 because we are partners in the business of farming. We're also women from rural Ontario, and as you've heard, we raise our families, we go to the barns, we go to the fields, and coveralls and rubber boots are our dress code.

As you see, we have no brief. We have no real prepared text. I've just jotted down some notes, as the other ones have. We are speaking from the heart and all you have to do is listen. We are proud to be farmers and we are proud to have ancestors who were also farmers. We would be proud to have our future generations be able to farm if they so wish.

Because we believe so strongly in a healthy, vibrant rural community, we have chosen to add to our many farm duties by getting involved with general farm organization. We have no time for nitpicking at grass-roots level, we have no time for pitting farmer against farmer and we have no time for pitting neighbour

against neighbour. We choose instead to look at the big picture. We choose instead to look at the importance of agriculture to the economy, locally, provincially, nationally and even globally.

We speak in favour of Bill 42 because we believe it is so important to have adequate funding for farm organizations, to carry out the numerous responsibilities and tasks that are required of us every day. We are not just farmers working for farmers. We are farmers working for rural communities. We are farmers working for all of society: for example, supplying a constant supply of food, supplying a constant supply of quality food, and how about even the aesthetics of open space. We are good stewards of the land and we are the number one environmentalists.

We support Bill 42 because we will require adequate funding, as agriculturalists, to adapt in the coming decades to: (1) changing public attitudes, changing tastes and changing preferences; (2) international conditions and events; and (3) technological developments—closer to home, concern for lack of funds in the rural areas, for health care, child care, policing, availability of education and training. The list seems endless.

We speak in favour of Bill 42 because farm organizations require funding to assist in planning and designing viable rural communities. The wellbeing of the province of Ontario and Canada depends on the wellbeing of rural communities and the rural environment. This begs the question, why would any member of Parliament, and especially any member from rural Ontario, oppose this bill?

Thank you for allowing us to present this.

The Vice-Chair: Thank you very much. Questions and comments?

Mr Murdoch: Thank you, women, for coming here today. I certainly appreciate your briefs telling us how you feel. This is what we need to know. Dona, I guess this is different for you and I. Sometimes we're on the same stage together.

Ms Stewardson: Not always agreeing, though.

Mr Murdoch: No, not always agreeing. Maybe this time we are though.

Ms Stewardson: Great, hopefully.

Mr Gary Wilson: We don't agree with that Bill either.

Mr Murdoch: No, this Bill, but not the bill. I'm Bill number one, so we'll wait.

Ms Stewardson: It's debatable.

Mr Murdoch: Yes, that's right. Dona and I have debated different things, but we're not that far out.

But one thing I wanted to ask you, and it's in the bill that the minister—and we go back to this because there's been thought about changing it. It says the minister "may" review this and we think the word's

"should" review this. Would you agree with that?

Ms Stewardson: I believe that "may" should be in there. "Shall" means that you would, so let's try it and see how it works. You usually don't fix something unless it's broken, right?

Mr Murdoch: That's true. It just reviews. It doesn't mean he's going to fix; it's just to make sure. If it's left as "may" we may then be upset with it, but there's no mechanism there to force somebody to review it.

Ms Stewardson: We're happy with "may."

Mr Murdoch: You're happy with "may." Okay.

Ms Stewardson: But we're here today to talk about the principle and the philosophy, and we're not here to talk about technical points. I hope you'll bear with us in that we're not trying to be evasive, but the minister does have a technical committee and we work closely with them.

Mr Murdoch: Yes. Oh, I understand that. The only reason we just sort of want your input into that is because the committee will have to decide before it's done whether it's going to make any amendments to the bill.

Ms Stewardson: Maybe someone else would like to—

Mr Murdoch: It's just a small thing, but it's nice to know, because they are considering making that amendment.

Ms Stewardson: Who is considering making that?

Mr Murdoch: The committee will.

Ms Stewardson: This committee?

Mr Murdoch: Yes. You see, next week there are some more people who will come before it, against and for, and then the committee will go through the bill clause by clause, and if there's anything in there that the committee or anyone here would like to make an amendment to, they could put the amendment forward.

Ms Stewardson: Before it gets third reading.

Mr Murdoch: That's right.

Ms Stewardson: Well, we like "may."

Mr Murdoch: Okay. That's good to have on the record, because that's what we're here to know. I guess the other one then, do you have any concerns that the NFU has dropped out? Because in your area I think they may be more active than in some of the other areas.

Ms Stewardson: I have chosen to be a member of the Ontario Federation of Agriculture and I really wouldn't want to state why or comment on other—they make their decisions, as OFA makes its decisions, so I couldn't comment on their reasoning, because I can't answer for them.

Mr Murdoch: That's fine. The only other one I would have is that we're criticized as part of the government for not having the vote, as you've heard

probably many people talk about, and this is just a yes or no basically. You are quite—and I think you are by your statements—but you're quite comfortable the way it's going now and there doesn't have to be a vote at this time.

Ms Stewardson: I was part of the tours around the province and we are very open to speak to farmers. We feel that every time a farmer signs a cheque and sends it in, he gets to vote. That's democratic. It doesn't seem to be a big deal in my part of the country, anyway.

Mr Murdoch: Okay, that's what we need to know. That's all.

The Vice-Chair: Mr Hansen.

Mr Hansen: Yes, okay. Mary-Lou is no unfamiliar face in my particular area. Every time she comes in the office, she has a real problem, not just coming in to see me for other issues. You have been a real representative of farmers and members of the OFA, plus non-members of OFA in the area. Taking a look at the general farm organizations' benefits that, let's say, OFA has, I don't know that the Christian Farmers have, but it has to do with health benefits for families, I think the women on the farm are taking a look at how they can look after their families and it has to do with the health programs, the dental programs. Maybe you could explain a little bit, as women, on what you'd like to see even farm organizations to improve on maybe, just shortly. Maybe it's a little bit off the bill, but the advantages. Because I think as people join, they most likely will not ask for their \$150 back, and will say, "It is well worth belonging to this farm organization."

Ms Garr: Of course, I elected to join the Ontario Federation of Agriculture and our farm finally has, and there are benefits, you're right. We do have a new health benefit, which I'm not going to explain to you, but it exists and it is of interest to the farm community because, quite frankly, one of the reasons farmers have trouble making a profit is because they have to cover a lot of those other costs that perhaps someone who works in a factory or an office doesn't have to cover. It's been a concern, I know, of mothers for a long time in terms of what protection our children have. All you have to do is take your child to the dentist once to understand where the profit from that pig went.

So I think OFA—I hope it will be the selection of choice by most people and I think the health benefit certainly will be critical in people making that decision. I don't know how else to answer your question. You're asking me for a philosophical discussion about benefits of OFA.

1130

Mr Hansen: But if you've seen down in our particular area, even though they weren't members of OFA, OFA has stepped in to help farmers in the area, so it hasn't been just exclusive.

Ms Garr: Absolutely. No, we've never limited our help to people who are members. Mind you, we've gritted our teeth a few times, but a farmer is a farmer and, quite frankly, we all have common interests and a common goal and we're all in the same business. I think people make decisions about joining organizations for various reasons, and sometimes it's laziness to not join an organization. You know, people just don't bother, and they still have had that voice, you're right. But in terms of funding an organization and strengthening that organization, I think this Bill 42 is critical. Quite frankly, we need a stronger voice in your arena and that's what we want.

Mr Hansen: Okay, thank you, Mary-Lou.

The Vice-Chair: Mr Wilson.

Mr Gary Wilson: Just some of the questions that Ron asked, I had in mind as well. Certainly I appreciated your submissions. I guess what I'd like to focus on is the independence, and I guess—it's Mary-Lou, is it?

Ms Garr: Yes.

Mr Gary Wilson: —talked about having about having a job off the farm. I just wondered how you see the evolution of that. Do you think there will be more of it? Your husband, I take it, is working still full-time on the farm. Do you see that would be a possibility that he also would have to move off the farm? I'm just wondering whether the farm organizations would have a role in curbing that process or progression.

Ms Garr: That's my hope. I don't like having to go to work, quite frankly. I would prefer to be at home farming, because there's enough work there for two of us and that's why I'm in the barn morning and night and weekends and everything else. I don't see too many professionals or people who have the investment that we have in our farms, which is large—I don't see too many people with that kind of investment in their career pumping gas on the side. I would like to see farmers be able to generate enough income from their operations to support their families, to send their children to university and to have a good lifestyle. I think most farmers live pretty frugally, you know. I see a lot of pools, but they're usually in dairy farmers' backyards. If I had to work seven days a week milking cows for hours and hours and never got away, I'd want that pool too.

But I think in general we are relatively frugal people, and I think with the investment that we have in our farms, there's an expectation that there might be a little more net income coming out of that and that there wouldn't be so many wives working off the farms.

Our children are grown, so I don't worry so much about it any more, but I really feel for the women who have young children at home, who are trying to find day care for those children. I took our kids on the tractor with me, the tractor that had a cab, which is still a half-dumb move, but we didn't have any choice.

Ms Semeniuk: If I could just add to that, I feel quite strongly about the arena of education and training. With the amount of unemployment that is happening out there, people being placed out of work, I don't think the off-farm jobs are going to be there for the farming community. I think what we need to try and focus on is getting training and educating ourselves into becoming better entrepreneurs and innovators. We all have it in the back of our minds. We've just subdued it because of all of the other things that happen on the farm. But I think you're going to be seeing far more of this coming, entrepreneurialism, something that we can make work on the farm, use, find other markets. There's just so much potential there in agriculture that I think this is something that is going to have to happen, because the off-farm jobs just aren't going to be there.

Mrs Crowley: I'd like to comment. Every time a farmer takes an off-farm job, he's taking away a job from a city or other rural resident.

The Chair: Ms Fawcett.

Mrs Fawcett: I really appreciate you people taking the time to come before us today, because it's good to hear a woman's perspective in farming and to dispel some of the old myths. You are full-time partners, and I really appreciate a lot of the comments you have made here, because we need to educate people as to exactly what's going on out there. I think you've gone a long way to doing that.

There's no doubt about your support of Bill 42, and I just want to tell you that there's no doubt about our party's support for Bill 42 as well. But I guess we always feel that we can make things better, and that's maybe what some of the questions we are asking are intended to do, to try to make a bill even better than what it is.

A gentleman yesterday, I believe Mr Coates, said that the registration—I mean, he had no problem, and I think a lot of people are feeling that it's an excellent idea, to get farmers registered so that we know what they're doing and what areas of farming they're in. He said that it should be shared with all groups. It doesn't matter whether you're a commodity group or a GFO or whatever. How do you feel about that? Do you feel that the information should really be out there, again, you know, lending to the education of everyone?

Ms Stewardson: What should be shared? The information or the money?

Mrs Fawcett: The information that will be gleaned from the registration form. Now, I don't know whether you've seen the registration form yet, or a draft.

Ms Stewardson: I have seen a draft. I'm not sure if it was the latest one. But we always share information out there. That's what we are. We're information people and policymakers, and I can't understand why anyone would think that the information wouldn't be shared.

Mrs Fawcett: Some of the presenters who have come before us have said that there wasn't ample consultation, there was not a sharing of information. So I guess this is why I would like to put this kind of thing on the record, that you have no problem with any of this being shared and in fact you would expect the ministry to be sharing this.

Ms Stewardson: Yes, I would certainly hope so.

Mrs Fawcett: We've had some discussion too around time lines for the money, the cheques going out to the general farm organizations, and even then, if farmers are going to apply for a refund, should they have a certain length of time that this must be accomplished? Would you like to see some actual time lines specified in the bill?

Ms Stewardson: When they need to ask for their money back, you mean?

Mrs Fawcett: Yes.

Ms Stewardson: Yes.

Mrs Fawcett: Or when the ministry should be forwarding the cheque that comes in initially.

Ms Stewardson: Yes. I think in business today we do need time lines to keep things clean and neat. Yes, I do.

Mrs Fawcett: Okay, thank you. Maybe my colleague has a question or two.

Mr Cleary: Thank you, ladies. It's good to see four farm ladies in one group in Toronto here. We don't see that real often.

Anyway, my colleague had mentioned about the time frame. You wouldn't like to tighten that up a little more? You just said you'd like a time frame, but would you like to put any times in there, number of weeks or working days or something, you know?

Ms Stewardson: You'd like to put that responsibility on me, would you?

Mr Cleary: Kind of, yes. I think we've got to work together on this.

Ms Stewardson: I believe it's the technical committee again that's—

Mrs Crowley: The cheques have to go through the banks, as I understand it, in so many days. That's the kind of time frame you're going to be looking at anyway. When the cheque gets handed over to the GFO, the GFO has to cash it. It has to go through the banking process. That takes so many days. It takes so many days through the offices in the GFO and the offices in the government. I'm sure that whatever the technical committee figures out as a time frame is adequate.

Mr Cleary: The other thing that I would just like to—we talked a little bit about the registration forms. Anyway, the next thing is the tribunal. Do you have any opinions on that, how that tribunal should be picked?

Ms Stewardson: Would you like to clarify that?

Mr Cleary: Yes. We had some discussions here earlier in the week when the minister was here that we didn't want to appoint people who were too close to any organization.

Ms Stewardson: Why not?

Mr Cleary: Well, I'm just asking your opinion there. That's what I understood was said that day, that we didn't want real close to an organization, that we were going to look at another group of people. That was my understanding of it.

1140

Ms Stewardson: We're the people, I guess, who are closest to the business and the policymaking. We are the most informed when you get involved with farm organizations.

Mr Cleary: Am I correct on that, deputy?

Ms Rita Burak: Just a clarification: I was reading through the notes, I believe it was in a presentation that Rolly Stroeter, the director of the farm assistance programs branch, made. He was commenting that the membership on the tribunal would have to comprise people who had backgrounds in farming and eminent persons, but he did make the point that they should not currently be members of boards of directors of any of the general farm organizations. For example, it could be a past president or an eminent person but not somebody who's currently on a board of directors.

Mrs Fawcett: But they could be a member of a GFO?

Ms Burak: Oh, yes.

The Vice-Chair: Ladies, on behalf of this committee I'd like to thank you for taking the time out this morning from your busy schedules and giving us your presentation.

Mr Randy R. Hope (Chatham-Kent): Mr Chair, I have a technical point dealing with the legislation before the next presenter comes up. As you know, I'm working between two committees here.

The Vice-Chair: Sure.

Mr Hope: One of the questions that I have, and it's to the ministry staff officials, is that as I was having the opportunity of working between both committees, I was looking at the francophone. It deals with special funding. I've read the regulations. It says they're going to talk to the GFOs. I'm wondering what the intent is, the special funding for the francophones? I do represent a large area of the francophone community in southwestern Ontario. I'm wondering where that money is projected to come from, whether it's from provincial revenues or through a cost-shared program between the government and the GFOs, and I'm wondering if that is available.

Mr Klopp: That question actually was asked the first day when we had the technical briefing. When

Elmer was here he gave a general outline. It was asked also, I believe, by the Liberal Party. We'll get you that information when it's available, as soon as possible.

Mr Hope: Thank you for your cooperation.

The Vice-Chair: You're quite welcome.

As a point of information I'd like to welcome Mr Runciman to this committee today. We enjoy his participation.

DAVE OLDER

Mr Dave Older: I am Dave Older, Oxford county. I thank the committee for the opportunity today to share some of my thoughts on the Farmer Registration and Farm Organizations Funding Act, Bill 42. I speak in favour of this project because it enshrines the concepts of equity and fairness that are important to me.

Before describing the structure of my brief, I should tell you about myself and my involvement in this project. Together with my family, we operate a 50-cow dairy farm and a 65-sow farrow-to-finish operation in Oxford county. I have been involved in this project since early 1990, at that time under the leadership of Brigid Pyke.

One of the curious effects of working closely with government staff, who I didn't really expect to see here this morning, is that from time to time the common refrain is, "But what will farmers think of this?" Somehow the effort of getting out of bed extra early to get the cows milked to race to a meeting and then racing back home to get chores done leaves some staff—not all—with the impression that you are less farmer than others. Let me assure you today that I speak with the only voice I have, that of an Oxford county dairy farmer.

My brief is divided into sections as follows: The one is philosophical foundation, the second is the technical components of the bill and the third is the political process.

The philosophical foundations: The central debate about Bill 42, as I understand it, is a question about whether the common good pursued through this legislation is compelling enough to justify the impairment, or perceived impairment, of individual rights of people affected by it. This statement assumes two things: that there are indeed benefits to the public or more immediately to Ontario farmers from general farm organizations—the common good—and, secondly, that there are charter rights impaired in some way.

The issue of public good is easy to resolve. After 55 years, there is a large body of evidence about general farm organizations and the good they do. The obvious are sometimes overlooked and very difficult to invoice people for, to bill them: agriculture in the classroom; efforts to negotiate between farmers and utility corridors; projects in the environment, such as Oxford county's battery blitz—win, win, win, let acid batteries

out of the environment, the farming community viewed as being active in environmental projects—and money raised for 4-H.

General farm organizations have positive beneficial effects for every farmer. Every farmer in Oxford county benefits from those efforts. In the three years of debate that I have encountered working in this project, I have not heard one person be able to intelligently argue that they do not benefit from those activities, and with good reason.

From the larger provincial perspective, the efforts of farm organizations are easier to identify: the Ontario agriculture training institute, the Ontario farm environmental plan, the kind of slogging and trench work we have done in property tax reform with the Fair Tax Commission. Lord Almighty, how do you invoice individual farmers for that effort?

When I wake up in the morning and I look in the mirror, I know how I've paid for them; I've paid for them with a membership to OFA. When some of the individuals who come in front of you with the arguments of self-entitlement and self-service and individual rights look into the mirror, how do they answer that question? I don't know.

Yet for all of this that's happened over the last five decades, there is a double standard that occurs in farm volunteers. It's a curious one. Nobody has tried to explain it to me. Farmers who work inside of commodity groups that provide legitimate benefits to the people who produce those commodities can expect their energy, time and staff resources to be paid by all members who produce that commodity, and yet farm volunteers who work in general farm organizations, with the same time, the same energy and the same commitment, are left with the inference that their effort is less legitimate and less worthwhile because the benefits are equally distributed but the costs are not. It is a perplexing question nobody has tried to answer.

As for the impaired charter rights, I'll be very brief. Two things should be stated. The first is that the obligations envisioned are modest and well defined, \$150, which is refundable. Second, the refundable nature of the proposal provides for those people who genuinely feel individual rights are paramount to be opted out.

In the last three years, under the technical arguments I've had the opportunity to view how other jurisdictions in this country and around the world deal with funding of farm organizations. This is not a precedent. Funding of farm organizations has a long history. Quebec is an obvious example, but there are others, the Nova Scotia and British Columbia federations of agriculture, and in Europe many of the funding mechanisms are based through the tax system. It is not a precedent, but what it is is a unique solution for Ontario.

We are very diverse, culturally and agriculturally, and we have to have a proposal in Ontario that reflects that diversity. Having the ability to accredit more than one GFO ensures that there will be fierce competition for the allegiance and support of farmers. It isn't going to be a cakewalk. There will be organizations that come forward and seek accreditation for general farm organizations and there will be an aggressive campaign to get those farmers on board. OFA is not going to relax. We will intensify our efforts to satisfy the concerns of individual farmers.

The criteria operate to provide serious organizations with ambitious objectives the opportunity to enter. It will remove organizations whose relevance has ceased to exist. They will be removed from having their name in this funding apparatus. It allows new organizations with fresh people and new ideas the opportunity in.

Some people have argued that a single producer identifier, the registration number, is unwarranted and that this investment by the Ontario Ministry of Agriculture and Food is without justification. Nothing could be farther from the truth—nothing.

1150

It is not widely understood or acknowledged that OMAF has three or four databases, all of which have some duplication, some inaccuracy, deceased clients, bankrupt clients, and that those three or four databases are not integrated in any way. The various programs have no linkage between them. It is like driving a truck down the road only being able to see the road in front of you and not knowing when the intersections are going to happen. I received three NISA applications and dozens of other farmers did too. Whenever a new program is launched, you have no idea, the wasted bureaucracy and paper from not knowing comprehensively who's who in Ontario agriculture. For far too long, OMAF has lacked the coordinated approach it should have, and a stark contrast is Quebec, which has had for more than 20 years a comprehensive database which has allowed it to decentralize its ministry of agriculture and allowed it to deliver programs from regional offices in less time than we do in OMAF. I will not tell you how much less time, but it gets my attention as a farmer.

Finally, this is just the tip of the iceberg. As a young farmer, allow me the indulgence of dreaming about what could happen with a universal card, smart card technology, that identifies every farmer in Ontario and allows me to interact with government offices in a way that we can't even imagine today. It happens. The USDA has smart card technology used with peanut growers to allow them to update their quotas as they deliver peanuts to the elevator at that time—immediate update.

Smart card technology is like a credit card with a computer chip in the back. Imagine going to an OMAF

office with your entire farm management analysis project in your back pocket and being able to tell the person or having him tell you, "Yes, you're in the program," and he pushes another button and, "Yes, they're cutting a cheque for you in Toronto now." Farmers can't even imagine this kind of thing, but you've got to give me the indulgence of dreaming about tomorrow's reality, because if we don't, we're not going to be able to keep up with technology and we're not going to be able to keep up with information flow and these things are critical to my competitiveness in the world global arena. You've got to help us out, and this is one tool.

The political process: The debate among farmers has been mean-spirited and reveals an inclination we have for fighting among ourselves. Gordon Hill has said before, and when he speaks I listen, "Farmers never win when they fight with themselves." I have argued that this is the appropriate arena to determine the merit of this project.

In truth, the majority of farmers lie between the two camps which have been polarized in this debate. It is inappropriate for farmers to be forced to adopt a position which is at the extreme of one which talks about self-service and individual entitlement. It is just as inappropriate to make them adopt a position which says the new world is just around the corner if only farm organizations can get the funding they need.

The truth is somewhere between those two camps. It is on a bell curve, ladies and gentlemen, and your job is to determine where on that bell curve. It's a political decision, and it will never commit 100% of the population, but this the right arena for the decision to be made, because, Lord Almighty, you can do it with cool heads and dispassionate, reasoned logic, without the kind of hurtful and mean-spirited rhetoric which I will not repeat because it offends everyone.

The comments are most bewildering, because they speak about people who have inspired and motivated me to try to make a difference in my community.

In public life, all of you know only too well about lonely midnight drives across darkened county roads. If you've done it long enough, you know what it's like: time away from family and friends, the slings and arrows and the infrequent glory of volunteers. I recognize in the people I have worked with weather-beaten faces and bent backs from a life of effort. I sense a passion and a commitment that has carried them their entire farming careers and their adult volunteer lives. This discussion thus far has been utterly disconnected from their lives and their actions.

If I had to endure the insults and the acrimony all over again for defending the principles and the content of Bill 42, I would. I believe that it's based on an honest compromise and on issues of equity and fairness for all farmers.

I thank you for your time today.

Mr Gary Wilson: Thanks very much, Mr Older. I really appreciated your considered remarks, especially the comparative approach where you looked at other jurisdictions and suggested that they've done similar things. I appreciate your commitment; it came through very clearly. I think where you used the image of somebody looking in the mirror and what they see, it could be understood that not everybody works at your level and therefore wouldn't be that committed. There are variations there. I guess that's the root of my question here. You mentioned competing at a global level. Do you see all farmers being in that category or having to be in that category? I'm thinking mainly about a smaller farm that would see it in a more regional situation or perspective and whether a general farm organization can cover both ends of the spectrum.

Mr Older: I think it's the responsibility of farm organizations to go right from the grass roots up to the international arena. Every farmer who produces food in some way, shape or form must compete globally, because the forces that are at work there work their ways down through the marketplace: Chicago, GATT, wherever, it eventually gets back to our pocketbook. We may not identify or acknowledge that world forces are leaving less money in our wallet, but in reality that in effect is happening. But I also encourage local county federations to do whatever they can in terms of economic development, fostering the kind of entrepreneurial spirit that will allow us to hit niche markets and do diversification at the farm, that will keep people on the land. If we don't, we're not going to have rural communities we recognize in 50 years.

Mr Gary Wilson: Just to be clear, could you go a little bit into the niche market, what you mean by that? Am I to understand you that you can survive just on a regional basis without—

Mr Older: You can identify a pocket that isn't served well or cannot be served well by California grape growers—I mean, it's an example—or pecan growers from Oklahoma: something there that can't be served economically that you can. But even though you can identify it and fill it, the big picture, the forces are at work, and we have to do our best on both sides. We have to work on both sides: educate, push them along in terms of management ability and also make them focus on all the opportunities.

Mr Gary Wilson: By "we," do you mean the GFO?

Mr Older: General farm organizations, definitely.

Mr Klopp: I just want to congratulate you on your ability to put together the heart and soul of why we've come to a Bill 42. I must admit I've heard a lot of good rationale the last four days now, but I really do want to congratulate you. You've got I think the reasons when you talk about those long, lonely nights. We've had

earlier today a number of people. Bill and Ray, you know, said, "We got involved not because of the glory of wanting to be the president some day but just to do our little bit," and I think you amplified that very well today. I thank you.

Mr Cleary: Thank you, Mr Older, for your presentation. There's one thing that I would like to ask you. I'm sure you have seen a copy of the draft registration form. Are you happy with that?

1200

Mr Older: Am I happy with it? I think the key ingredients are, number one, for goodness' sake, don't consider a voluntary registration. You'll have the same thing that we've already got. If you're going to spend government dollars, do it right and make sure it's comprehensive and complete and annually refreshed.

Is it too intrusive in terms of the amount of information? I don't think so. Any commodity group knows more—in fact, any credit agency knows more about me than the OMAF registration database likely will. So I think that there's a lot of red herrings out there in terms of what's being collected. You ask questions about what who it should be shared with it. The information in aggregate likely ought to be available to anybody who wants to look at ag policy. But I would also speak to technical people who have, you know—freedom of information etc.

In terms of the registration, I don't have too many problems. It needs to be well managed, and privacy needs to be respected.

Mr Cleary: My next question there about this legislation: After it's passed, I'd like to get your opinion on it being reviewed after three years. What's your opinion on that?

Mr Older: The most extreme review will happen every year. When people start asking for refunds, that's a review that the farm organizations are just going to have to, you know, flex all of the volunteer muscle that we can to deal with. It's the review that counts the most. I mean, it will either make this thing work or it will kill it faster than any legislative body can.

A review "may" is certainly adequate. I don't even know whether it needs to even be in there because it will either work or it won't. The fact that refundability is there will certainly influence the outcome of this.

Mr Cleary: Do you think it should be the minister or the ministry or an all-party committee?

Mr Older: Well, a minister is obviously the most—that gets technical and nitpicking. I think any one of those three would be adequate, but a minister's obviously right in the centre of the fire. If it's not working, he's right there; he's on the stove. The farm organizations are, you know, they're in the—I'm going to say they're in the coals. That assumes it doesn't work. We're going to make this thing work.

Mrs Fawcett: Thank you very much. I really appreciate your remarks this morning. Certainly you have an idea of the big picture and the smaller pictures and all pictures. You'll be one of the ones bringing agriculture into the next century. I really congratulate you for your remarks and thank you for taking the time to come before us. I'm sure you have other things you should be doing right now.

The only thing I would wonder about on the technical—

Mr Older: Go ahead, fire away.

Mrs Fawcett: We've had any number of things, you know, thrown at us about: "This is undemocratic. There should be a vote." I think you really touched on a lot of those issues, but do you really feel that you do not see any undemocraticness about this, that people are voting, I guess, as the minister said, with their chequebook?

Mr Older: I think you can call anything undemocratic if you try and adopt an extreme view. If you adopt an extreme view, you can call anything undemocratic.

I mean, I look at the pesticide registration act and I say: "This is something that benefits all of the public. How do you argue against the public good of it?" And yet public approval would likely have killed something that is very positive for the farming community, and that's to make sure pesticides are applied properly by people who have been certified.

I make the distinction between public approval and public good. Your job is to truly determine public good, not necessarily what is right up at the very surface level of a public debate that's gyrating between two extremes. It goes back 2,000 years, the argument about what democracy is, but you are elected to dispassionately and cool-headedly decide. This is an institution and a parliamentary tradition that's 300 years old. This is not undemocratic.

Mrs Fawcett: I think he's a candidate for the tribunal. I don't know.

Mr Older: Can I speak to the tribunal for just a second?

Mrs Fawcett: Definitely, yes. Go right ahead.

Mr Older: The tribunal does have a lot of responsibilities. I think we have to be really careful that there's no perception of conflict of interest. I think that's very important. But I also really think that government, you people, should be cautious about building in too many bureaucracies.

Farmers accept decisions. Tribunals that are well put together, with criteria that are clear and well defined, they should accept decisions of tribunals. The people are charged to do it just as I accept your decision pro or con against Bill 42. I ultimately accept your ability and your authority to make that decision.

Building in place a tribunal and then an appeal process and then a court of law, it seems to me that you're building bureaucracies in times when most people have a lack of tolerance for that kind of activity. They want to see government be relatively efficient, relatively straightforward, and the decision-making process to be transparent and clear. I caution you about the tribunal and what you should do with it.

Mrs Fawcett: You are more or less satisfied with what's there and don't feel that there is even a need for an appeal?

Mr Older: Another appeal process? I think that there is a model. The tribunal is not without model. My understanding is that the Ontario Labour Relations Board has provided some of the modelling for this particular tribunal. I acknowledge that this is new ground, but certainly someone has to make a decision, and if we make the criteria for membership on the tribunal stiff enough and we make the criteria for the organizations that are applying to it clear enough, that should be the decision-making body. You shouldn't get caught up into how many lines down the row you go.

The Vice-Chair: Thank you. It seems just about every base has been covered but, Mr Murdoch, if you'd like to find an opening, go for it.

Mr Murdoch: I don't think there is. I just want to thank you for coming. I listened to you when you were in Kurtzville the first time and we had the problems there. Everybody seemed to express their concerns. We've come a long way since then, though, I think.

Mr Older: I agree with you. We've come a long way.

Mr Murdoch: I just want to thank you for coming and giving your presentation.

Mr Older: I'm on this side of the mike and not on that side of the mike. Please understand that this has been a long project for me and I've tried to compress a lot of work into a short time, and the energy level's fairly high. That's not inconsistent. Rolly Stroeter can tell you that.

The Vice-Chair: Thank you, Mr Older. On behalf of this committee, I'd like to thank you for taking the time out of your busy schedule and giving us your presentation.

A note to the committee members that we will be meeting in the Huron Room next week, so if you have anything in the committee room could you please remove it and take it with you for next week.

Mr Anthony Perruzza (Downsview): Would you like me to move adjournment?

The Vice-Chair: Not necessary, Mr Perruzza, thank you very much. This committee stands adjourned until 2 pm on Monday.

The committee adjourned at 1207.

CONTENTS

Thursday 26 August 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42	R-125
Essex County Federation of Agriculture	R-125
William Olson, past-president	
Ray Burell, first vice-president	
Canadian Federation of Agriculture	R-129
Jack Wilkinson, president	
Kelli Crowley; Mary-Lou Garr; Betty Semeniuk; Dona Stewardson	R-134
Dave Older	R-140

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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***Wilson, Gary** (Kingston and The Islands/Kingston et Les Îles ND)

***Wood, Len** (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway

Hansen, Ron (Lincoln ND) for Mr Waters

Murdoch, Bill (Grey-Owen Sound PC) for Mr Turnbull

Perruzza, Anthony (Downsview ND) for Ms Murdock

Runciman, Robert W. (Leeds-Grenville PC) for Mr Jordan

Also taking part / Autres participants et participantes:

Burak, Rita, deputy minister, Ministry of Agriculture and Food

Hope, Randy R. (Chatham-Kent ND)

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Richmond, Jerry, research officer, Legislative Research Service

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Troisième intersession, 35^e législature

Official Report of Debates (Hansard)

Monday 30 August 1993

Journal des débats (Hansard)

Lundi 30 août 1993

Standing committee on resources development

Comité permanent du développement des ressources

Farm Registration
and Farm Organizations
Funding Act, 1993



Loi de 1993 sur l'inscription
des entreprises agricoles
et le financement
des organismes agricoles

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LEGISLATIVE ASSEMBLY OF ONTARIO

R-145

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 30 August 1993

The committee met at 1401 in the Huron Room, Macdonald Block, Toronto.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Chair (Mr Bob Huget): All members of the committee will notice in front of them a summary of recommendations on Bill 42 prepared by Jerry Richmond, the legislative research officer assigned to this committee. It contains the presentations to date.

ALVIN RUNNALLS
MAX SABEY
JACK SHAW
ALVIN DOBIE

The Chair: The next group is Alvin Runnalls, Max Sabey, Jack Shaw and Alvin Dobie. Good afternoon, gentlemen, and welcome. If each of you could identify yourselves for the purposes of Hansard, which is recording these proceedings, and then continue with your presentation. You've been allocated one half-hour, and the committee would appreciate about 15 minutes of that for questions and answers.

I'd also like to welcome Mr Sterling, who is joining us for the first day on this committee.

Proceed, gentlemen.

Mr Alvin Runnalls: I am Alvin Runnalls from Winchester, in Dundas county.

Mr Max Sabey: Max Sabey from Dundas county.

Mr Jack Shaw: Jack Shaw from the Arnprior region, Ontario Federation of Agriculture.

Mr Alvin Dobie: Alvin Dobie, Lanark county.

Mr Runnalls: I will proceed and we'll each probably take two or three minutes and then leave it for questions.

I'd like to give a brief outline of my background. I was raised on a mixed farm in northern Ontario, taught school for a few years and have since farmed in partnership with my wife near Winchester in eastern Ontario.

We were in the dairy industry for 24 years and presently have a dairy heifer and a beef feedlot. I've been involved in volunteer activities and organizations for many years, and one of these organizations has been the OFA. I am now serving on the executive of that committee.

I note with interest that opponents of farm registration complain about the \$150 fee. Had I stayed in the teaching profession, I would be paying approximately four to five times that amount, without any choice in the matter.

I have also had the opportunity to give an overview of the Canadian dairy industry at the International Live Stock Management Schools at Kemptville. I've worked with small groups of agricultural people from Latin America, Africa and parts of the former Soviet Union. In all cases, it's interesting to note the lack of farm leadership and grass-roots organizations in these countries.

I feel that I've had an opportunity over the years to observe first hand the valuable contribution of farm organizations, and especially the Ontario Federation of Agriculture, to the betterment of agriculture in this province.

I believe that we could be at a crossroads in the present uncertain times. Could farmers lose control as transnationals strive to globalize the economy and control every aspect of our lives? Could we sink into the same catastrophe that has engulfed these countries that I have just mentioned?

I believe that to steer a proper course for agriculture, we need the combined resources of all of the farm community, not just one third of it, as is presently the case, and if people committed their money, then maybe more of them would also take part in the democratic process that is part of the farm organization.

Another aspect, in my conclusion, is that I've noticed that in our organization we will often have people coming to us asking for help and we'll check back and they're not members of the federation of agriculture. We still try to help them, but our resources are very limited because of the financial constraints of only having 20,000 members.

All told, I think that all of these things are really important, that we have to have as many people as possible involved. We can't be only part; we've got to have everybody.

Mr Sabey: Max Sabey from Dundas county. We appreciate the opportunity to appear before you and make presentations. As my presentation continues,

you'll find out what I do now as well as something of my background.

I grew up on a mixed farm in southern Alberta during the Depression, when eggs were 10 cents a dozen, milk was 14 quarts for a dollar and wheat was 30 cents a bushel. My father lost his farm then and there was no agricultural organization to which he could appeal, no one to give assistance. It was strictly upon his own. How much he would've appreciated something and someone he could've talked to, consulted with and had some help.

The idea of compulsory fees and compulsory registration is not unique among agricultural organizations. I had beef, I had soybeans and I had corn. Every time I sold a beef, a fee went to the cattlemen's association. I had no choice. Every time I sold a bushel of soybeans, a fee went to that organization, and the same thing with corn. So the idea is not unique, and even compulsory checkoffs are not unique, and in this case at least the individuals have an opportunity to request a refund if they wish.

Over the last few years, I have travelled extensively on the concession roads talking to farmers about membership. Now, we've done well in Dundas county. We have about half the farmers as members. Of those who say no, there are two primary answers. The first one is, "Well, you're going to get stable funding, and when that comes, you'll get my money." The second is, "When everybody pays, I'll pay." Well, that's a fair situation if everyone pays, and that's why we're in favour of this legislation.

A strong, well-funded GFO not only to lobby but to assist members with difficulties: We've been involved, for example, in helping farmers solve fenceline problems, difficulties with the Hydro people and their hydro lines across farm land, environmental issues, and believe me, many of the farmers really don't know who they can turn to and what they should do. They need to have a GFO that can help them.

But in addition to that, the municipalities receive assistance. I was at a meeting just a few weeks ago and a group was there to talk about the municipality system of controlling the spread of sludge from Ault Foods in Winchester. They were very much concerned. Finally the municipality decided that they would set up a committee, and they asked to have somebody from the federation on that committee. But in addition to that, they asked if the federation had any information. As it happens, the federation and OMAF had indeed worked out a policy which was available to all and I was able to get a copy and give it to the reeve.

So it's a rather broad mandate that people expect, but they do expect a GFO that will have the resources to do the research and to give the kind of assistance they want, and that's why we support this act.

1410

Mr Shaw: Just a word of introduction as to who I am. I farm with my two sons, 615 acres on a dairy farm, am presently chairman of the West Carleton assessment review committee and a member of the Ottawa-Carleton land division committee, past councillor and reeve. But the most important thing is, I want to be a voice in a well-respected, well-financed agricultural organization.

A government can only make decisions in the best interests of society if it's first well informed about all aspects of all sectors of society. Most industries communicate the state of affairs to their industry through government and their industry association. The strength of the voice to government is usually determined by the strength of their financial backing. Bill 42 will provide the necessary funding to create a stronger, united voice from the agrifood industry to government. As a result, the government will be better informed about the health and problems of the agricultural industry.

There is a reduction in the OMAF budget. This will increase the workload for the general farm organizations. Extra funding will be required for the research to make the proper advisory decisions to assist the grass roots of the agrifood industry and thus an effective presentation to government. These informed presentations will be another means for government to attain a fast-tracked opportunity to agricultural decisions. That is why we're here today in support of Bill 42.

Mr Dobie: Good afternoon. My name is Alvin Dobie. I come from Lanark county. I've lived my entire life on a farm near Perth, Ontario. Up until six years ago we were in the dairy business. We changed from dairy to cash cropping. I grow about 90% hay, which I supply to horse stables in the area, between Perth and Ottawa.

I come here today I guess mostly because of my concern for the farming and agriculture industry. It certainly is on a downhill slide from what I've ever known it in my lifetime. I'm not as old as some people are here who are in farming, but I have been actively involved farming the home farm since 1960.

I can certainly tell you we ran a custom business of farm machinery for quite a number of years and we disposed of that at the same time as we changed from the dairy herd because there were no longer enough farmers and sufficient business to support it any longer. That's six years ago, and to this day grain prices really haven't improved to help make things any better.

I'm a firm believer in farm organizations. I feel we have to have them to keep things operating smoothly and to help advise you people as to what are the requirements of the agriculture industry in Ontario, or Canada, for that matter. I was around and I voted in the 1969 general farm organization vote and I think farmers would be a lot better off today if that vote had carried.

I think we'd be better organized and would have been able to communicate better with governments and a lot of things would have been much improved for Ontario farmers.

I didn't write up a presentation. I prefer just to talk off the top of my head. I'm the type of person who, when I go to talk to someone or meet them, I like to talk heart to heart. If there are any questions that you people have, we'd be very pleased to try and answer them for you and help you with your guidance in this situation.

Mr John C. Cleary (Cornwall): Thank you, gentlemen. It's always great to see people from eastern Ontario here in Toronto. I imagine there are lots of other things you gentlemen, as farmers, could have been doing today and we appreciate your coming before the committee.

The first question I might have is the draft registration form. I'm sure you've each seen that. Are you happy with what you've seen?

Mr Runnalls: Actually, some of us had gone through it several months ago. Now, I think it's—

Mr Cleary: Changed?

Mr Runnalls: I don't know if any of the rest of you have seen the draft or not.

Mr Shaw: I have seen one of them. Whether I've seen the final draft or not, I'm not sure. I think the process and the form that it is taking, this final one, I'm satisfied with it.

Mr Runnalls: I think we're satisfied that you people will do a good job on that end of it.

Mr Cleary: You know that in any change, there are always two sides. There's a bit of opposition to whatever change might take place. I just was wondering if you gentlemen would have any advice that could help this committee with some of the presenters who have come before us opposed to Bill 42, because this is going to unite after this is all over. I think it's going to need many organizations to do it.

Mr Shaw: I think you've got a very good question there. What we must all be involved in is the marketing of Bill 42. However, the very fact that it is refundable is a definite plus. I think when we tell people that it isn't a compulsory thing, the registration may be, but the fee is refundable, I think that should alleviate the fears that many have.

We hope that in a short period of time there will be very few people seeking that refund. I think when they realize the opportunities that are there with a well-financed organization, with the research that can be done, the benefit that there should be to the agricultural industry, I would hope it will become a bill and the legislation will be beneficial to all. Certainly it's an opportunity for agriculture and the agrifood industry to work with government.

Mr Runnalls: If I could add, I would like to make a little comparison to the milk marketing board act. There was a lot of anger at the time, but now 90% of the milk producers are happy with what they have. I think that would be a good comparison. We may have some problems, but as Jack said, with the marketing of it, it will certainly turn out well.

Mr Norman W. Sterling (Carleton): I'm happy to see people not only from my constituency but the surrounding constituencies down at Queen's Park expressing their views on this issue.

One of the concerns I have is that, of course, when you give essentially a lot more power to an organization, which this bill does—perhaps you could fill me in on how, number one, the OFA is going to involve the enlarged membership in an active membership role. Have they thought about that at all? Second, do you see any problems with accountability to those, if you want to call them, fringe members or whatever?

Mr Sabey: Not really, to answer your last question first. I suppose the OFA probably has the largest board of directors of most organizations. Our county, for example, has two. We have regular meetings with the membership of that county and they give us direction. They tell us the problems they have, they tell us any questions or concerns they have, and we in turn take that up at the board of directors' meeting. The executives acknowledge that they get their direction from the board of directors. So from the accountability point of view, there's that aspect.

The second is, there's an annual convention, and even more delegates from each unit attend. They have an opportunity to vote on the membership of the executive. It's a grass-roots organization and the grass roots have ample opportunity to express their concerns, their interests and what they would like to have.

I suppose people will always wonder what will happen when it looks like there might be some growth, but there's an inertia that everyone has when it comes to change. We all get in our comfortable little ruts, we like to do things our way, and sometimes we forget that maybe the good of the whole is better than the good of the individual.

Mr Sterling: Mr Shaw, you know in the last provincial campaign, your five-year-old grandson came out and campaigned with me. He was the youngest campaigner I ever had and, quite frankly, one of the most informed campaigners I had, Master Caldwell. If I vote for this bill, will you follow your grandson's leadership?

Mr Shaw: You don't have to answer that question.

Mr Dobie: I'd like to add something in answer to Mr Sterling's question. I think one of the main reasons that the federation requires stable funding and more money is, with fewer farmers, costs going up and what not, it's hard to hold on to membership and keep the

money coming in when costs are increasing. Plus, if there's a meeting of something important with government or whatever it is or with any of the farm commodities, the government and other organizations always have people there. So I think it's important that the OFA has funding and has resources so we can have someone there to represent our point of view when its required. I think this is the biggest problem facing the OFA right at the present time, to have enough money so we can get around and be at all the meetings and cover the views of the farmers, trying to get our point across.

Mr Noble Villeneuve (S-D-G & East Grenville): To you gentlemen from eastern Ontario, thank you very much for being here. I apologize for being a little late. I had a meeting in Edwardsburgh township, in Spencer-ville, this morning regarding some problems, and I was doing a little better than the speed limit getting here, as usual.

Interjection.

Mr Villeneuve: I've been there before.

Bill 42 in its new form, as opposed to Bill 105, is much more palatable to all of us. However, people who are opposed to Bill 42 have outlined their reasons and certainly those will be considered, as will those of the potential GFOs.

Accountability: I go back to what my colleague from Carleton was referring to. Section 33 of the act says that in three years' time the minister will have the opportunity—and you may well be quite satisfied with what's in there now, but if we were to amend this bill with the fact of accountability back to a standing committee of the Legislature, which involves as you see all parties, so that this is a different kind of creature of government because it will not be a hands-on government type of operation.

The minister, whoever he or she may be in three years' time, may want to do away with it and may want to enshrine it in concrete, but I still think that because it's a different kind of group—agencies, boards and commissions are under direct, hands-on management of the government and appointees by the government. The board here will be appointed by the government, but it will not be an agency, board or commission as we know. So in order to satisfy people who may be well satisfied and may want to say so at that time, and in order to satisfy those other groups that may well still be in opposition, what is your opinion of an amendment that would bring it back to a standing, all-party committee of the Legislature? Could I have your comments on that?

1420

Mr Sabey: I'd be delighted to comment. All you're doing is opening a can of worms. For three years people are going to have an opportunity to ask for refunds. Now, if that isn't a vote either of confidence or against,

I don't know what it would be. To have a vote is merely allowing additional opportunities for those who are in a minority, and call them a vocal minority, to muddy the water.

Mr Villeneuve: Mr Sabey, this is not a vote.

Mr Sabey: I understand what you're saying, but the fact is that you're still opening it and you'll do the same thing you're doing now. You're going to have hearings, which leaves a platform for those people to come and express their opinions, which will be published in all the newspapers, and you'll end up with a vocal minority who are getting far more press and far more publicity and far more attention and exercising far more influence than their numbers warrant.

After all, if you've got 20 people who are opposed and all 20 appear at the hearing, and you only have 20 who appear representing 60,000, it will look like even numbers. It doesn't work that way.

I think that the fact that it's refundable is sufficient indication of how they feel about it. If the minister at the end of the three years feels there are too many asking for refunds, then let the minister make a decision according to the way the act is written now.

Mr Runnalls: I agree with Max on that. I feel that time is of such critical importance right now, with NAFTA and all of the problems facing agriculture, low incomes, that I think it's time to get on with it. If we leave it another three years, as Max has said, it'll build up. Let's get on with the job, let's do it. I'm sure it will turn out well.

Mr Villeneuve: The comment from head office, pursuant to a question of how many members they felt the OFA or the GFOs would increase by was, "Exactly what we deserve." I guess you're saying basically the same thing.

In another area, refundability, I certainly am pleased to see the refundability aspect in there for those who so desire. Would you stipulate a certain criteria, a period of time from the time the designated GFO receives a cheque which is to be refunded? Could you live with a specified period of time?

Mr Sabey: It depends on how the mail runs. After all, it takes up to two weeks to get a letter from Toronto to where I live, so if you say that it's got to be done in 15 days, we'd be in trouble. So on the details of that, we're talking about assumptions, we're talking about what might be. So far as we're concerned, if the refund is to be made, it should be done as quickly as possible. If we don't make it, we're automatically going to lose that person as a member. If we get out there quickly, we might be able to convince him. So I'm not sure that there should be a time factor.

The Chair: Thank you very much. We'd also like to welcome Mr Waters to the committee this afternoon. Questions, Mr Hansen and Mr Klopp.

Mr Ron Hansen (Lincoln): We're talking about refunds and how quickly they're going to be coming back. What about someone who applies for a refund six months later and has had the benefits for six months? Is there anything in there that you feel that a certain period of time should elapse when a person asks for a refund?

Mr Sabey: That's a different question.

Mr Hansen: This is the other way around. The one who's receiving the benefits, maybe he's signed up already with OFA on its dental program and some other programs and decides six months later to cancel. Just a comment from you.

Mr Sabey: Then I have to change saddles. Certainly, there should be a limited time within which they can ask for a refund, 30 days, 60 days, but not more than that. I think that they can make up their minds within a more limited time than six months or whatever it happens to be. They can do it in 30 to 60 days.

Mr Hansen: Why I asked this is, in case the letter gets put on top of the fridge and it sits there for two months and then they decide to send it in and they say, "But we sent it in a long time ago." Some of these things, I think, will have to be worked out, but I just want to throw that one back to you.

Mr Runnalls: I think it's the nuts and bolts of the situation. We're not asking for that today. We feel you will look after it properly. Certainly, we don't want it to go, as Max said, six months.

Mr Hansen: Okay. You're representing the OFA executive in a particular area?

Mr Runnalls: No, I'm representing myself and my county.

Mr Hansen: Okay, fine. The question I was going to ask wouldn't really apply to you. I've asked this question of some of the other groups that have come forward, if the executive are the only ones supporting and have you gone to the membership. Do you feel that the farmers in eastern Ontario are in support of the stable funding bill, Bill 42, generally speaking, in your neighbourhood?

Mr Runnalls: I can take my own county, Dundas. We have 800 census farmers and we have about 404 members right now. Of the membership, certainly I would say they overwhelmingly support it because they feel, as somebody else said, "Why shouldn't everybody pay if I'm paying?" The other people, well, when you have census farmers, they're anywhere from \$9,000 to whatever as an income, so a lot of people may not even be aware. But no, I feel that the vast amount of the people would support it.

Mr Daniel Waters (Muskoka-Georgian Bay): As a person who comes from cottage country—we've lost all our farmers pretty much, and all our dairies. At one time in Muskoka we had something like 10 dairies. I grew up on a farm; in fact, on about three farms, none

of which is farming any more. The farms are all gone. I guess what I want to know is, do you feel that this legislation will empower yourselves and your organizations to have an effective means of conversing with the government to get your points across so this doesn't happen to some other areas and to other farmers?

1430

The gentleman at the far end mentioned that he was in dairy, and they just sort of whittle away and whittle away and they never seem to get a big enough voice to make a stand, historically. So the question is, is this going to assist your organizations in dealing with the likes of us and getting your points across, effectively, for a change?

Mr Shaw: I believe it will accomplish just that very thing. If we might go back to the days—of course I'm in supply management, being in the dairy industry, and at that time Bill Stewart said, you know, "We're in it," and there were those of us who opposed it at that time but it wasn't long until we realized the benefits of supply management. I think this is once again an opportunity to unite not only supply management but all of agriculture into a common sector that they can speak in a democratic way with one voice, and I certainly think Bill 42 can accomplish that.

Mr Paul Klopp (Huron): On behalf of Elmer and us at the ministry, we thank you today for coming out. Your comments—and it's been brought up before about why we're doing this and you mentioned the farmers saying, "Well, I'd join if my neighbour does." I've heard that now three times and I'll put on the record I know exactly what that means because I've had that happen. In fact, that was one of the reasons, I guess, I started thinking maybe we should have stable funding in. Some people are just like that and they need to have a shove. Maybe they've gone through the 1969 issue and it hurt them so badly they said they're not going to ever join, because I've had that too. I truly believe that is a comment and I think this does give a pleasant push to all of us who need to get more involved.

You brought out some very good points today. We're going to keep them under advisement: the issue of refundability, which was raised on the other side of the saddle and I'm glad that Noble raised his question. I thank you for your time. We're going to go to clause-by-clause, I believe, on Thursday and Wednesday, and I look forward to using some of your points. Thank you.

The Chair: Gentlemen, thank you very much for appearing here today. Your views are important to all members of this committee and we certainly are appreciative of you taking the time, which I'm sure is a very busy season for each and every one of you, to come down and express your point of view on this very important bill. Your views have played an important part in the process and I think it's important that you understand that as well. I urge you to stay in touch with

the committee, either through the clerk of the committee, or any members of this committee or your own sitting MPP, and we trust that you'll follow the process as we move through Bill 42.

Mr Steven Offer (Mississauga North): Mr Chair, while the next deputants are coming, I have a question I'd like to pose to the ministry staff. It has to do with the francophone organization under section 11. When one reads it one can't help but assume that it's anticipated that there be but one francophone organization. That's not the way the legislation reads and I was wondering if I might be able to get a clarification that indeed there is the possibility that there be more than one francophone organization that would qualify under a GFO. Secondly, if that be the case, how is it that competing francophone organizations would challenge for the special funding.

Mr Klopp: Rolly Stroeter is here today along with us and he's with the ministry staff. He may give a technical reason. We've had a long discussion on this. If he's ready now, he can answer some but, if not, we'll get the answers.

Mr Offer: I have no problem, as long as it doesn't take away time from the next deputants.

Mr Klopp: We do have some time after 3 o'clock or 3:30. Can we deal with it then?

Mr Offer: It's up to the Chair.

The Chair: Thank you, Mr Offer. We have noted your question and the ministry will be prepared to deal with it after we hear the last witness this afternoon.

NORTHUMBERLAND FEDERATION OF AGRICULTURE

The Chair: The Northumberland Federation of Agriculture. Please identify yourselves and proceed.

Mr Fred Thomson: Fred Thomson, president of the Northumberland Federation of Agriculture.

Mr Marvin McComb: Marvin McComb, a member of the Northumberland Federation of Agriculture.

Mr Thomson: I guess it's left with me to make the presentation, I believe a copy of which is in front of you. I've captioned my remarks initially to say that it's my pleasure to be here this afternoon. That is perhaps stretching it a little bit, because we would all probably prefer to be somewhere else, maybe outside on such a nice day. But let me say that I'm grateful for the opportunity to speak with you on behalf of our federation of agriculture to bring you up to date on some of the points that we feel are important and how we feel our members are reacting to Bill 42.

While the concepts encompassed in this legislation are certainly not new, they are, however, seemingly closer to becoming a reality and that we view to be good news. I can advise that the substance of this legislation has been well debated in Northumberland at our federation's monthly meetings, of which we would

have probably 12 a year. Half of those are regular meetings where they are open to anyone who would wish to attend, as well as at least two open-house forums that we have had specifically to discuss stable funding. In addition to that, Northumberland also hosts several summit meetings every year, quite often at Brighton, Ontario. These are used to discuss areas of concern or issues of concern and stable funding. The substance of Bill 42 has been discussed on several occasions in that forum. That draws from about eight counties around us, so we're getting a reasonable representation from our area.

I think farmers understand that in today's complex business world they need representation. I think they understand that good representation costs money, and to ensure a continuity of that representation requires a stable revenue base for general farm organizations. The voluntary aspect of farmer contributions to the GFO of their choice, while different from earlier legislative proposals, is not considered to be a weakness in this bill. Rather, it provides farmers with an additional option and obliges the general farm organization to be ever vigilant of the quality of its representation to ensure a continuation of support from the membership.

In the past, benefits obtained by the OFA for Ontario farmers have been shared by members and non-members alike. This legislation essentially rectifies a long-standing inequity and underscores the principle that all those sharing in the benefits should also share in the cost of obtaining those benefits. This particular aspect of the legislation is very well received by members of the OFA, some 20,000 strong in Ontario, because we believe that a larger membership will give rise to even better representation and an even more effective lobby voice on our behalf.

Also, the voluntary nature of this proposal removes the necessity to have a farmer vote, in our opinion, after a period of time has elapsed, as was considered in the earlier legislation. You will recall that they were talking about a possibility of a vote about three years down the road to see how well it was accepted by farmers. It will be relatively easy to determine the acceptability of this bill through a tabulation of those farmers who request a refund and certainly we believe much less costly.

It's also worth noting that all elected officers of our federation of agriculture, as is the case with all county federations of agriculture to my knowledge, are volunteers. We do a lot of work at the grass-roots level on helping farmers resolve issues and we do a lot of our work around membership, going and seeing people and renewing memberships, obtaining new members. In our view, that very much constrains the opportunities that we have to do other things on behalf of those members in our area. We believe this legislation will permit our county federation to also deliver a better and more diversified service to our members.

1440

Further, the farmer registration system is long overdue. To date, there is, to my knowledge, no mechanism to properly identify bona fide farmers in Ontario and, as a consequence, the Ontario Ministry of Agriculture and Food has lacked valuable statistical data needed for policy development.

In addition to addressing this immediate need, the registration mechanism could provide for numerous other possibilities, like a better system for accrediting bona fide farmers with provincial sales tax exemptions on eligible items or perhaps an easier collection rebate mechanism for GST.

We recognize that this bill, once passed in the provincial Legislature, becomes enabling legislation around which will be constructed the required regulatory and policy framework to become operational. Through several discussions with our MPP, Mrs Joan Fawcett, who is a member of your committee, we have hopefully conveyed the feelings of our county federation of agriculture regarding this valuable legislation.

While we recognize that not all farmers support this legislation, we believe that opposition is small in numbers and, certainly in Northumberland, the majority of our farmers supports this bill. We wish this committee fruitful deliberations and encourage timely passage of Bill 42.

Mr Villeneuve: To the Northumberland and surrounding area Federation of Agriculture, thank you for your presentation.

The chamber of commerce was here last week, suggesting that it was against Bill 42. I was surprised at the chamber because I'm not sure whether the chamber had checked with the chambers, say, in the riding I represent or in other ridings.

However, I think some explanation has to be done because agriculture is the kind of industry where you buy retail and you sell wholesale, and you don't have a great deal to say about the farm-gate value of your product. Example: You can have an A-1 steer go to market, you've fed that animal for a year or more and someone in a cow-calf operation raises the calf for four, five, six months. Yet our processors say they can't afford the time to age that beef and it winds up on the consumers' table probably before the farmer gets the cheque for the animal, and has no say on how that product is handled after it leaves that farm gate. The consumption of red meats is, for some reason, going down on a per capita basis and agriculture is a type of enterprise certainly different from just about any other enterprise.

My question to you is on the refundability. I asked your colleagues from the federations of agriculture in the area that I represent as to their feeling on the time from when an applicant who decides that he wants to be

reimbursed his \$150. Do you feel there should be a time frame? That's one of the questions that opponents to Bill 42 are bringing forth, that GFOs will not be in a hurry to reimburse to those who have chosen, for whatever reason, to withdraw their support. Would you have any ideas as to whether there should be a time frame here? Suggestions?

Mr Thomson: I guess, catching the tail end of the previous conversation, I'd be inclined to agree that, yes, there should be a time frame and it would seem to me reasonable to expedite it as much as possible. I say that because, for many farmers to sit down and write a letter is maybe not the easiest thing they would do in life.

Mr Villeneuve: On a rainy day.

Mr Thomson: They don't have a secretary at hand they can dictate something to. So they have made a conscious effort, if they're going to write a letter, that they've done so thinking about it and they've come to a conclusion that they would like a refund.

I think we have to respect that. That's not to say that we can't go and talk to them and try to change their minds, but I think we have to respect the decision they've made. It would be my view that should be followed up fairly quickly.

Mr Villeneuve: I was a member of the OFA tax assessment committee back in the late 1970s, early 1980s, when we spoke of farm tax rebate and came this close to having it initiated where we would not pay tax on farm property and farm real estate, and at the last moment it did not go through. However, everyone gets benefits and that's fair game.

When your OFA field man gets a call from someone, are you aware as to whether he goes through a list of members and says, "Uh-oh, this guy's not a member, therefore he doesn't receive the services from OFA"?

Mr Thomson: You're in a better position to talk about that, Marvin.

Mr McComb: I wouldn't say that we refuse to talk to him, but we will certainly go and tell him that if we can help him, we'd like him to join us. I think that's fair game.

Mr Villeneuve: That's fair game; I agree. So you have no discriminatory policy where if my neighbour, who's not an OFA member, requests some advice, and I know at one time Hydro corridors were a big question and OFA helped considerably. You know that's all water under the bridge now. Whatever was decided, everyone benefited: farm tax rebate and a number of other situations. So in your opinion, the OFA field man simply says, "We're quite willing to help but it would be quite nice if indeed you were a member of the OFA," and I'm sure the Christian Farmers probably do the same thing.

Mr McComb: As far as I know, we've never turned down anybody's help. We've certainly done our best to

persuade them to join us first or come along with us as we help them.

Mr Thomson: We had an example this past winter where an individual had approached me over a boundary dispute. That individual was not a member of the OFA. He subsequently became a member, probably in the hope that we could offer some assistance. As Marvin has said, we do encourage them to become members, but they were not turned down service because they were not members.

Mr Villeneuve: Can I ask one more? On item 33—you probably heard the tail end of the last conversation, and I am asking everyone, where time permits—are you satisfied with the minister having the sole decision, or could you consider the entire question, in three years' time, coming back to committee for a review of the pros and cons? Because this will be a slightly different type of organization out in rural Ontario than any other.

Mr Thomson: I guess the feeling at this point in time, as I alluded to in our remarks, is that I believe we could leave that decision at this moment until we found out, through the numbers of people who may in fact request refunds, whether there's a need for a more detailed review. Obviously, if the numbers requesting refunds are greater than anticipated, then yes, there probably should be some form of review to determine what is the reason for discontent. However, otherwise I think that will tell us what we need to know.

Mr Hansen: I'm going to ask sort of a question, sort of a salesman's part: Do you believe you get your \$150 out of OFA, the upcoming registration as members?

Mr Thomson: If I didn't, I shouldn't be president of the Northumberland Federation of Agriculture.

1450

Mr Hansen: Okay, I've asked this sort of question before. You have health benefits and dental programs and that. So actually the savings that you have there just about pay the membership in plus the literature on farm safety. I'm just trying to find out if it's the same all over Ontario with the OFA as in our area.

The other thing is that you mentioned sales tax. If I went into, say, a feed store or an implement dealer in your particular area and bought an 18-horsepower riding lawn tractor with a snowblower and it came to, say, \$4,000, do you think it's fair that I'm able to go in and sign to say that I'm a bona fide farmer when I'm not, where you are?

Mr Thomson: I think that's part of the inequity that exists now. If we use examples, there are certain locations where I would do business and where they know that I am a bona fide farmer and things can be purchased tax-exempt. There are other locations which might be in another town where they don't know me, and I would pay the sales tax with the idea of collecting it back.

What we are suggesting is that if you have a registration system and can more readily identify who is and who is not a bona fide farmer, that should facilitate the kinds of things like collection and rebate of taxes.

Mr Hansen: Why I'm getting to that is that my wife is in a business. She doesn't pay sales tax, but she has a form filled out and signed with her number on it that she hands to another business so she's exempt. So with this number, when you go in, it wouldn't just be the word of the person, because a lot of times you don't know whether the person's making \$7,000 a year in farming.

I've got over 10 acres, and yet the farm dealer who is 20 miles away from me wouldn't know whether I'm a bona fide farmer or not. That's why I brought that issue out. So when we talk about underground economy, it's sort of like underground people not paying the tax they should be paying on the farm equipment that they're purchasing for, let's say, personal use.

Mr Thomson: Or, on the reverse side, tax being paid where it's not collected back as well, and that also exists.

Mr Waters: In the last main paragraph of your brief you say, "We recognize that this bill, once passed in the provincial Legislature, becomes enabling legislation around which will be constructed the required regulatory and policy framework to become operational."

I understand that this bill is something that hopefully is going to bring the farming community and government into, shall we say, a better system of discussion. What I want to know is, does the OFA, at this point in time, have any input on this regulatory and policy framework? Are you being talked to at this time or are there plans for that so that indeed you are involved with the bill in all aspects of its creation?

Mr Thomson: The way I'll comment on that is that with the stable funding legislation which preceded this, I participated in a technical committee directly with the OFA here in Toronto. At that time there was ongoing discussion and certainly there was going to be concentration and dialogue on the development of regulations and how they should be developed as a follow-up from the act. I would see no change in this. I can't tell you, from where I sit now, whether these regulations are in the development stage yet. I would assume that probably some work has already been done.

Mr Waters: We'll find out right now. Mr Klopp, can you comment on this?

Mr Klopp: Yes. Actually, we haven't done the regulations. We'll get you one of these. In fact, I'll give you this one right now.

On one of the pages it shows a basic outline of what the regulations are going to be, and indeed you mentioned the technical community. Elmer and ourselves, we have been in strong discussion with this over two

and a half years on what we want there, and more importantly, not what we want but what the farm community feels is fair and addresses everyone's concerns. I think you'll be more than pleased with the general outline and it's probably very close to what you've seen already.

Mr Waters: So the short form of that is that yes, you are in discussions with the OFA and other organizations over the creation of the regs and that.

Mr Klopp: Yes.

Mr Waters: I know a number of farmers who have either 50 or 100 acres and they rent them out, people who own land. They might have a barn on there but they rent it to the guy next door. At this point in time, they're getting any of the rebates that are going on in farming. I really don't think they're farmers. Is this going to deal with that problem so that indeed the rebates or anything that goes out there for farmers is indeed going to be channelled to the farmers and not just necessarily to somebody who owns title to land?

Mr Thomson: You bring up an interesting point, because I think it would maybe depend on which rebate we're talking about. If you're talking about property tax rebate, we recognize that the property tax rebate is an attempt to correct an inequity, that's also existed for 20 years or more, over the collection of taxes for education purposes on land for which really there should be no assessment, in our view, for education.

I personally, and I'm speaking for myself in this case, still believe that the land owner is entitled, if he has paid those taxes and that land is being used for agricultural purposes, to that rebate. There may in fact be other rebates which should be channelled to the individual who is actively involved in the farming operation as opposed necessarily to the land owner. Perhaps that would have to be considered on an individual basis.

Mr Waters: Do you feel that with this legislation you would have a better, I guess, voice with government indeed to make sure that the appropriate rebates go to the appropriate people?

Mr Thomson: I don't think there's any doubt that the stronger we are, the better lobby voice we have on behalf of all farmers. That's the goal.

Mrs Joan M. Fawcett (Northumberland): Welcome. Sorry I'm late, but I did get held up with a minor accident that I was involved in on Friday night and I had to get things sorted away, so I'm sorry I wasn't here for your presentation. But I think I really know your feelings, because we have discussed this on a few occasions, and I hope you realize that our party is in support of the bill and certainly you know you have my support as far as voting in favour.

There have been questions asked around the registration form. I don't know whether you've seen the registration form draft proposal. There have been some

presenters who maybe were worried as to what use the ministry might make of the information, but maybe you could just give me your feelings on the ministry requiring all farmers to register. Do you feel that is a problem? Would you like to see it then maybe even so that it could eliminate further registration forms for all of the programs? I'm not sure yet what the final draft of the registration form is. We haven't really seen it yet either. So just your thoughts there to start.

Mr McComb: The more complications we can eliminate, the better for both you and me.

Mrs Fawcett: Yes. So your feeling is that you would like to see an easy form to fill in that doesn't take up too much of your time?

Mr McComb: We're not really in any great love of a complicated form. It doesn't matter what it's for, short and concise so it gets the main facts but doesn't spend all day getting around to it.

Mrs Fawcett: Yes.

Mr Thomson: Believe me, if we can get through NISA, I think we can get through most anything. I have a copy of the draft here in front of me.

Mrs Fawcett: I've heard that before.

Mr Thomson: I don't think there's anything in here that should cause serious concern to people, from what I see at first glance.

Also, as Marvin was saying, the more it can be streamlined, the better it is for all of us, for example, to participate in provincial programs. A farmer registration system in the longer term, as I was explaining earlier, to me holds other benefits as well. There are other options and possibilities that could evolve over time with this mechanism that are not available to us now.

Mrs Fawcett: Subsection 20(3) of the bill says, "The ministry shall promptly forward the cheques to the appropriate organization." Rather than the word "promptly" there, would you favour seeing an actual time line—three weeks, a month—where, when the cheques are received by the ministry, they are forwarded on, and then do you have any idea as to if someone wants a refund, then how long it should take the OFA or the Christian Farmers to return the money? Have you any thoughts there? Would you like to see in the bill explicit time lines or are you satisfied with "promptly"?

1500

Mr Thomson: I guess in my past experience with legislation, I would advocate keeping the bill or the act an all-encompassing document to cover the subject but not to get too specific in detail, rather have that fleshed out through regulation or perhaps policy. That's going to develop over time through dialogue between the different parties, the different people of the GFO and the ministry.

There could well be constraints that we're not aware of at this table that could develop. I've seen cases where

acts of Parliament, in this case federal, became the limiting factor themselves by their very nature to legislation moving on, and if it takes three, four years to amend an act of Parliament, it takes a relatively short period of time to change a regulation.

I would in fact favour, I think, leaving those kinds of specifics on the time for refund, time for forwarding money on, to regulation or policy.

Mrs Fawcett: There has been some concern expressed over the tribunal and the powers that possibly are perceived in the bill about the tribunal as to when possibly just a quorum of three would be making decisions or the full seven and who is eligible for the tribunal. Have you any thoughts that you would like to express as far as that's concerned?

Mr Thomson: To be perfectly honest with you, Joan, I hadn't considered that and I'm not sure that I have any meaningful thoughts on it at the moment.

Mrs Fawcett: All right. One further thing came up last week. As the bill is right now, there does not seem to be any appeal mechanism. Some people were concerned about that and so I throw that out for you to think about as well.

Mr Thomson: I guess the appeal mechanism I see in place now is the fact that it has moved from a mandatory bill to a voluntary bill in terms of participation by farmers. As I responded to an earlier question, I believe the very nature of it is voluntary now and the numbers as they may be who would choose to apply for a refund will be indicative of the success of this bill and whether further adjustments may be necessary.

Mrs Fawcett: I think the tribunal has powers over and the decision as to whether another group would like to become an accredited, bona fide organization, that kind of decision too is left up to them. We hope it never happens, but if, let's say, one accredited group wasn't living up to what we thought it should, then that tribunal may disenfranchise as well, so we were concerned about the appeal mechanism.

Mr Offer: Under the bill, as you have indicated, a farmer can apply for a refund. Do you believe that there should be a time limitation on when the individual can apply for a refund? Under the bill right now, for instance, they could apply for a refund 11 months after registration. Is there something that should be done to the bill to, firstly, continue to enable an individual to request a refund but also provide a certain certainty to the GFO as to when the refunds are going to be made?

Mr Thomson: In response, that subject also came up at the earlier session, and I believe there should be a certain period of time during which an individual would apply for a refund, after which time it would not be available. For example, I don't think it's reasonable that a farmer could take advantage of services that are being offered and then, at a subsequent time, apply for a full

rebate. But again, those kinds of dates and time frames I would leave to probably the regulatory framework rather than putting into the bill itself.

The Chair: I thank the Northumberland Federation of Agriculture and each of you for coming forward this afternoon and getting your views on this very important bill to the agricultural sector on record and known to members of the committee. I trust that you'll stay in touch with the committee as it goes through its process, either through your own MPP, Mrs Fawcett, the clerk of the committee, any other member of this committee or any other sitting MPP. Thanks very much.

LYLE GALLAGHER

BRUCE BUTTAR

The Chair: Lyle Gallagher and Bruce Buttar, welcome, gentlemen. Please identify yourselves and then proceed with your presentation.

Mr Lyle Gallagher: I'm Lyle Gallagher. I'm a part-time farmer from Northumberland county.

Mr Bruce Buttar: Bruce Buttar. I'm a full-time dairy farmer from Hamilton township in Northumberland county.

Mr Gallagher: Ladies and gentlemen, I come before this committee as a part-time farmer from Northumberland county, strongly in favour of Bill 42. Agriculture is the largest industry in Northumberland county, producing \$115 million worth of agricultural products, according to the 1991 census. This far exceeds the number two industry, tourism, with gross receipts in the \$60 million range.

Within Northumberland, 895 or 59% of census farms in 1991 reported sales of less than \$25,000. This group would probably not feel that they need to belong to a general farm organization because their main source of income would be from off-farm employment. However, they are all benefiting from the efforts of the general farm organizations. These benefits include the efforts to have the education portion of property tax removed from farm land, rural rate assistance on hydro, the constant vigilance of Ontario Hydro, the Ministry of Transportation, the Ministry of Environment and Energy and other ministries like the Ministry of Natural Resources, and the implications that these have on agriculture as a whole and on individual farmers.

The 440 members of OFA in Northumberland county would easily represent 80% of the agricultural production. These people realize that with the decreasing number of farmers it is even more important to speak with a strong, unified voice.

It is in society's best interest to keep a strong agricultural industry here in Ontario, not only to have a source of safe, nutritious food, but to also supply jobs to the one in seven who relies on the agriculture and food industry for employment.

As I mentioned in my opening, I am a part-time

farmer. My main source of income is in the sale of seed to farmers. It is in my industry's best interest that farming remain profitable. The better organized the farm community is, the more likely it will be able to stay profitable.

1510

The farm data which may be gathered through the registration process of Bill 42 could make it easier for the Ontario Ministry of Agriculture and Food to target programs to the sectors that most need assistance.

The refundability aspect of Bill 42 will make the accredited groups responsive to the wants and needs of those requesting a refund. I would hope that if I were to request a refund someone from the organization would contact me to ask my reasons for the request and would follow up with some action to try to regain my support.

In conclusion, it is my belief that farmers, both full-time and part-time, as well as the agricultural industry as a whole, would be better served by a well-funded grassroots organization, one that can devote all of its time and energy to the issues of today and tomorrow and not have to worry as much about funding.

Thank you.

Mr Buttar: I would just like to thank you for the opportunity to address you today and give you my comments on this. Speaking as a director of the Northumberland Federation of Agriculture and as a full-time farmer, I feel that any organization depends on its members, and certainly the number of members and the more it has makes any organization far more effective.

As an Ontario farmer, I feel that we need a strong organization to represent us and speak for us and debate on many of the issues that we're presented with today. As a farmer and a dairy farmer, I know that I don't have time always to be up on all the issues that are coming forth and the things that we need to be aware of, and that's the reason why I feel we need a strong organization to be there for us.

The Farm Registration and Farm Organizations Funding Act, I feel, presents this avenue that we will be a larger organization and we will have the representation we need. The funding act would require all farmers with a gross income over \$7,000 to register and pay this fee. As a director of our township, I've spent considerable time travelling up and down the roads of our township, seeking prospective members, talking to members, speaking to some who are very large farmers and don't feel the benefit of paying a registration fee but they're more than willing to accept the benefits they get out of the organization that does the lobbying for them. And we're all in the same boat. There's no requirement that if they don't pay they don't get any of the benefits, and I feel that is an inequity.

If the legislation is passed, all the people will be required to pay into it, and hopefully we will have an

opportunity to speak to them if they would like to have it back and maybe we can show them some of the benefits. At least we're on a different side of the stick, whereas we're trying to talk them out of getting it back instead of paying us to get it. I think that would maybe be a little benefit to us.

I think rural Ontario needs to be strong and needs to stand together. We have seen the present government give a lot of support in new areas, typically ag in the classroom, agricultural awareness. The Ontario Health Council did a series of workshops last winter where they're trying to strengthen the rural community. It's all part and parcel of making the agricultural sector stronger in an area where we're becoming less and less people in a growing society.

So I think it's important that we would get this legislation passed. I feel it would be considerably important to all the people in the agricultural sector. These are my thoughts on it.

Mr Hansen: Mr Gallagher, you were talking that you're a seed salesman, plus a part-time farmer on top of that. How do you feel that registration with a number coming in will help you in your business?

Mr Gallagher: In my business as a seed salesman?

Mr Hansen: Yes.

Mr Gallagher: Simply by strengthening the farm community, hopefully keeping the farm community more profitable. There's no sense in selling something to someone if he can't pay for it. That's how I see it.

Mr Hansen: I thought you were in opposition to this bill and I had some questions prepared. Since you're in favour of it, I haven't got any.

Mr Waters: I'm even worse. I'm going to go off topic because of a comment—

Interjection.

Mr Waters: The Chair isn't here. He's behind me, so he can't cut me off too fast.

You mention something in your comments about ongoing farmers and there are fewer and fewer farmers. I guess it's something that's bothered me in my family that there were at least myself and three cousins who were all raised on farms, and none of us farm. My question has nothing to do with the bill.

The Chair: In that case you want to make it extremely brief.

Mr Waters: How do we keep our kids on the land or get our kids interested in farming? What is the problem? Is it just that they can't make a living and it isn't worth it, or how do we deal with that?

Mr Buttar: From the point of view of a dairy farmer, I think at this point in time, unless you're in a certain situation where you have the benefits of getting in by family or whatever, you couldn't possibly afford to get into a dairy farm.

Mr Waters: Quota keeps you out.

Mr Buttar: Well, yes, but maybe even without quota, by the time you buy the equipment to feed probably 35 or 40 cows, and now they're saying it's got to be 60 cows to be viable, I don't think the returns are there, and that's a problem. If a person can go to a factory and start out making \$15 an hour and know he can bring that home with all the benefits involved, it's pretty hard to convince somebody they should be going back and start in farming where they're going to have to work 12, 15 hours a day and maybe not be able to pay the grocery bill at the end of the week. That's a fact of life. We have to live with that.

Mr Waters: I take it this is the challenge that this will hopefully help us assist to deal with.

Mr Buttar: I'm sure. Things come before the farmers that they don't understand or don't recognize and I think as a strong organization—and it's support, too. A strong organization is support, can support a young farmer who's coming in and give him some direction and some incentive to go ahead and maybe become viable where otherwise he wouldn't be.

Mr Waters: I keep looking up there hoping he isn't going to cut me off, because you always lead to another question.

We seem to have a lot of support, at least I feel there's a lot of support, for agribusiness, but is there enough support for young farmers to come in? They're two different groups of people, by the way, in my mind. I just wondered. You don't have to comment. You can just let it go if you want.

Mr Buttar: It would be nice if there was more support.

Mr Klopp: Thank you both for coming today and bringing out very good and well-articulated points. I've known Lyle for a long time and it's good to see you again here today. I think the last comments, although we got a little bit off topic—and he used to be a chair. He used to tell me I couldn't do those things. I'm going to remember that when he's chair.

But seriously, this is the type of bill, I believe, and why I've strongly supported something along these lines for a long time, and if we could keep going here we will get this through so that people can build those building blocks so that we can have a better future for our sons and daughters. I thank you for taking the time today to come out and help push it.

Mrs Fawcett: Here I thought all along that people listened to speeches and so on where there's just been no doubt that Northumberland is in favour of this bill. I can't imagine that there would have been anybody here against it.

The Chair: I'm tempted to call this Northumberland Day for these hearings.

Mrs Fawcett: I'm very pleased that it is

Northumberland Day and I thank the four of you for coming forward, because it's very important, I think, that we get everyone's views, as many as possible.

There have been some questions around the whole democracy and democratic issue concerning the bill. There are those certainly who have said that they still want the vote. I'd just like your thoughts on how you perceive this new bill, Bill 42, as opposed to the other, 105, how you feel about it democratically.

1520

Mr Gallagher: I feel good about it. I actually felt good about it when farmers were being forced to pay.

Mrs Fawcett: I know you did.

Mr Gallagher: Maybe I shouldn't say that, but I did feel that there would be nothing wrong with having everyone forced to pay.

I guess this probably makes it a little more responsive within the organization. If they see a lot of people requesting refunds, then the organization had better answer to that as to why so much interest in refunds at that certain time.

I had some thoughts on your questions to the others as to timeliness of requests for getting the money back. I don't know if it would be possible to have it on a prorated basis. That would be one possibility. If someone has been in and taking advantage for 10 months, then they would only get two months' worth of money back, the thought being that everyone should have the opportunity to request their money back and maybe make that as their vote as to why they are opposed to something the organization is doing at the moment. That's why I wouldn't want to necessarily see a certain time limit put on it.

Mrs Fawcett: All right. Now, you have your ear to the ground in Northumberland. Do you really feel that there will be many refunds? Do you have any idea, any handle on that? Do you think there will be many applications for refund, and is that going to cause a problem administratively within your part of the organization? Will it put undue stress on you to try and maybe get out and change minds, and will we be any further ahead then?

Mr Gallagher: I think we'll be a net gainer because of the process, whether the 1,514 census farms within Northumberland will all have a membership or whether all of those would require a membership, because in some instances one farmer or one farm organization or corporation owns six or seven farms. They're only going to be required one registration, and I think it remains to be seen. I don't think there will be a great number of people requesting it back myself.

Mr Cleary: You gentlemen were sitting there when the last presenters made their presentation. Are you in agreement with the registration form? Do you agree with their answer: very simple, not much bookwork?

Mr Buttar: Yes, I feel that's fair. I think what they've said is pretty representative of the way we feel as an organization.

Mr Cleary: In the former presentation they said that eight counties get together. Is that an annual meeting?

Mr Buttar: No, that is probably eight times a year. It doesn't through the summer months, but it's a meeting where they gather. It's hosted by Northumberland county and it encompasses eight counties that are sort of centred to Northumberland where they come together to discuss any issues that are current to them or that they would like to discuss.

Mr Cleary: That sounds great. The other thing that doesn't seem to have been touched on much today is, last week we were talking to the federation and a few others who had talked about returning some 25% plus back to the local organizations. Do you figure it should 25% or do you figure it should be more than that or how do you feel about that?

Mr Gallagher: The 25% is quite adequate. It's more than we are getting back now and we would have no problem with that.

Mr Cleary: I know that in our part of Ontario they find it difficult to raise the funds, you know? They have to have their barbecues and everything. So that should free up a lot more time to you as farmers and as volunteers, as they say.

Mr Gallagher: That's right, yes.

Mr Buttar: I think it's good to have to do some of those things, though. We had a barbecue this past summer in our county, the first we've had in a while, and I think we all benefit from it from a social and a working together aspect. I think that's good. But it's nice not to have to do those things all the time in order to have enough money to keep going.

Mr Cleary: We have them too and I think it unites everyone more, and it's sure a great opportunity for our people out of the villages and the cities to get a good home-cooked meal and a variety of different meats.

Mr Buttar: We think we need to be visible as an organization so people know we're out there and what we're doing to you, but it's nice to have lots of money to be able to do things you want to do.

Mr Villeneuve: Gentlemen from Northumberland, welcome and thank you for being here. Census farms: You have 1,500-and-some?

Mr Gallagher: That's correct.

Mr Villeneuve: Based on what census?

Mr Gallagher: The 1991 census.

Mr Villeneuve: Gross income of \$7,000, \$3,000? Is that the federal census?

Mr Gallagher: That's the federal census, yes. It goes from \$2,500 to whatever, \$500,000.

Mr Villeneuve: To whatever a full-time farmer is,

and quite obviously \$2,500—how many of those 1,500-and-some farmers are presently OFA members?

Mr Gallagher: There are 440. Now, those are census farms, not census farmers.

Mr Villeneuve: I realize that, and therein is part of the problem that we hope this legislation would solve: What's a farmer? Right now it's \$7,000 gross for Ontario. At the federal level it's a much lesser amount and I think the \$2,500 you stated is probably right.

Could you give us some guidance as to what in your opinion is a farmer? I think the regulations will look after this, but maybe it would be helpful for those who formulate regulation to get from farmers what in your opinion is a farmer. You sell seed corn. You milk cows seven days a week. What in your opinion is a farmer? Should there be only a gross income criterion? Should there be a second or a third criterion?

Mr Gallagher: My feeling is that a gross income of \$7,000 is as good a threshold to start at as any.

Mr Villeneuve: That's been there for quite some time for farm tax rebate purposes, and you would be satisfied to continue in that vein. Could we ask the dairy farmer his opinion on that?

Mr Buttar: Knowing that there's more and more part-time farmers out there who probably—we need to be strong in our organization. I don't think we should raise it excessively high. It seems like a fair medium.

Mr Villeneuve: It's gross income or the equivalent of, which could be value of crops produced, not necessarily \$7,000 deposited in the bank to pay the bills. I think the regulatory body will probably have some difficulty, and I think if they increase it they would probably have to look at one or two other qualifying criteria, ie, full-time, someone who is retired from a job and may well be farming full-time with pension income, or a widow with a dozen cows selling the beef calves in the fall. That may or may not get her \$7,000.

I just want this on the record so when the regulatory people work on this particular end of things that if they do increase the threshold, they would have possibly one or two other qualifying criteria, because \$2,500 to me is pretty borderline farmer and there are different descriptions for farmers with federal census and with provincial census, and ne'er the twain shall meet right now. It's a bit of a problem.

1530

As far as being OFA members, you've quite obviously paid your \$150, as I do, because you feel you're getting the benefits of being an OFA member. I asked, I think, the preceding group, you know the OFA field person. Have you had the opportunity of working with the OFA field man?

Mr Gallagher: Yes.

Mr Villeneuve: To you, that may not be accessible in a monetary way, but it's very important to have

someone who is knowledgeable about other things than just growing crops and killing weeds. The business of farming is kind of what OFA is involved in. So you're satisfied that the \$150 at present is well worth paying for the services rendered.

I guess it will be frozen at \$150 for the next three years. What sort of mechanism would you like to see if indeed an increase is required? Would you simply take the GFOs' word that indeed "Our costs are above our operating expenses"? I do know that the representative group for the province of Quebec work on a much, much, much larger budget and, of course, in so doing, are perceived to be considerably more effective. When the time comes to look at the cost of being a member, what should happen?

Mr Buttar: I think that would have to be done certainly in consultation with the GFOs or whoever is involved. They have their own budgets, and I think they could outline what they feel they need, and as it increases, that would have to go up.

Mr Villeneuve: Discussion at the annual meeting and possibly a vote at the annual meeting?

Mr Buttar: I think that would be fair.

Mr Villeneuve: Okay. Right now, the NFU made a presentation and they were—I'm trying to use some words that would not be too inflammatory, but there's bad blood between the OFA and the NFU. Has this been traditional, or has this just happened with the formation of GFOs, in your perception?

Mr Buttar: I think it's been traditional. I can remember, my dad was an OFA man for years and years, and it always seemed there was conflict between the NFU and the OFA. It seemed silly.

Mr Villeneuve: I believe amendments will be brought forth whereby the NFU will be cut loose, which it has asked for and which I guess will occur. Do you foresee any other bodies possibly saying, "Gosh, this looks like a good way of getting into the advisory business to farmers," and attempting to become GFOs?

Mr Buttar: Not in the short term. I wouldn't think so. I think it would take a lot of time before something like that would happen, and certainly they're going to have to prove themselves before that would be possible.

Mr Villeneuve: So the vacuum, in your opinion, that is there, if there is a vacuum, you feel that the OFA is doing a very acceptable job in serving you as members. I gather Christian Farmers do have the same sense that their people are being served well by representation and service field people and what have you. Thank you.

The Chair: Thank you, Mr Villeneuve. I'd like to thank both of you, gentlemen, for taking the time to come here today and so effectively putting forward your views. Your advice will be useful to the committee, and we thank you for taking the time to present it.

Mr Offer on a point of clarification.

Mr Offer: Yes. I did that, and was awaiting a response.

Mr Klopp: I wrote it down a little bit here, but in essence, your question basically went around the issue of francophone relations.

Mr Offer: The francophone organization that applies for special funding: First, is there an assumption that there may be more than one francophone organization? Second, how is it determined; if there is more than one, who wins? Third, what is the meaning of section 19?

Mr Klopp: As you've gathered, this has been a long discussion on the whole issue. We can look up Hansard and explain a little bit of it too when Elmer was brought this in our technical briefing on the first day.

But there's a strong francophone organization of farmers in Ontario. About 3.5% of Ontario farmers actually class their first language quite proudly as francophone, the French language. In fact, they've had an organization which has been quite active; in fact, far more active than any other farm organization probably in Ontario. Its history goes back some 69 years. That's the Union des cultivateurs franco-ontariens. In fact, they're coming tomorrow.

But what was happening in the history of this, some farm organizations like the OFA have worked with them over the years and they've also had special status. When it first came up, this issue, that the farm organizations came up and said, "We'd like to have a GFO," the francophone Union des cultivateurs made comment that it still feels that it should be recognized, and it was felt by all the farm organizations that that truly should be recognized and that there should be some fairness there.

This has accumulated into a bit of a compromise issue, and it came up in the bill. The intent is that there is only one French-speaking farm organization in the bill, and what section 19 says is that we will recognize the Union des cultivateurs franco-ontariens, although they are not named. But that's probably what it's going to be because at this moment the history is there; there's no other organization. It just isn't there.

I believe they agreed to it too. They also didn't want to have that down the road there's like 15 or something, and so after many hours in discussions—and you can deal with this tomorrow again, I'm sure—section 19 basically says that we will recognize one. They didn't name it in the bill on the outside chance that tomorrow morning there may be—who knows? But the way it looks, it will be this organization that will be allowed special funding.

However, down the road, if they actually go all across Ontario and meet the criteria which are in the regs about 12 regions or whatever and then they become a recognized organization, then that's it, the story's over. Subsection 19(2) says there will be no other special accreditation for anyone else. If they go on and

fill all the criteria of the other farm organizations under this act, then that's it. But for now, after many discussions with everyone involved, we felt this was a fair compromise on the issue. It answered our colleagues basically in eastern Ontario, our French farmers who are proud of their first language, and we feel at the end of the day this is as fair as we can get.

The Chair: Would Mr Stroeter or ministry staff like to expand on any of that?

Mr Rolly Stroeter: In response to that question, section 19 actually says that if the UCFO ever goes for accreditation and becomes an accredited organization, the special funding formula for any kind of other francophone organization will cease. It will be no longer necessary. So there's really only funding of one francophone organization under this bill at any one time. That is the policy intent.

Mr Offer: It says in section 19, "If the organization that is eligible for special funding is accredited." Apparently there have been some dealings in the ministry that you've got in mind one organization, but it doesn't say that here. But it says that if it's accredited—now, I read that as saying that there can be a number of groups, francophone organizations, that say, firstly: "We are a francophone GFO organization. We may not be the Union des cultivateurs franco-ontariens, but we're something else, and we can apply to be accredited." Can they apply to be accredited?

Mr Stroeter: Other francophone organizations?

Mr Offer: Yes.

Mr Stroeter: Yes, they could. What section 19 says is that if the eligible French-language organization that is now eligible, which is the UCFO, becomes accredited there's no longer any need for special funding, but it doesn't prevent other organizations to seek accreditation. That's the short answer.

Mr Offer: It just must be my problem in this case, because you've got all of these sections dealing with the francophone situation and section 19 seems to say that, really, when this bill is passed, we're going to accredit one organization.

Mr Stroeter: That's not how I read it, but I refer to legal counsel and see if Louise Stratford can clarify it.

Mr Offer: Maybe I can ask some questions on it.

The Chair: Legal counsel just happens to be in the room and taking her place now by a microphone, so perhaps we can get to the bottom of this, Mr Offer.

1540

Ms Louise Stratford: I think it is just a question of perhaps rather difficult drafting in section 19. But the situation is as Mr Stroeter has described it. In fact, there is no preclusion of an organization that seeks to do all of the things that the specially funded organization does from applying for accreditation in the normal way. What these sections talk about is a process for getting special

funding for a particular organization. What section 19 says is that if the particular organization that was getting special funding applies for and becomes accredited in the normal way, no other organization may then slip in to get the special funding, on the theory that now that particular need has been filled by an accredited organization.

Mr Offer: But isn't it assumed that the francophone GFO is going to apply for accreditation in the normal way? How else is it going to get there? It's not in the legislation. There's no other way it can get there.

Mr Stroeter: I don't think we make any assumption about what the UCFO will do after three years or next year. I think they have the choice. There's an element of choice here. They can stay with special funding for as long as they remain eligible, and as long as there's no review of their activity and they satisfy the criteria, they can remain eligible for special funding. They do not have to seek accreditation. Accreditation is an option. You might ask them tomorrow when they appear what their views are of seeking accreditation. But it's an option, it's a choice. There's an element of choice there.

Mr Offer: So the francophone farming organization need not be accredited in the way in which the OFA is deemed or the Christian Farmers is deemed or any other group would have to be. A francophone organization meeting the criteria in section 11, even if it's not accredited—I don't understand this—would be eligible for the dollars. My assumption was that a francophone organization would be either automatically accredited under the bill or would follow the process to become accredited, and that would be the first criteria before it could receive funding. That's the way I would have assumed the bill to be. It would allow anyone saying that they serve the socioeconomic and cultural interests of francophone farmers and offer services to farming businesses in the French language to say, "I want funding."

How could a tribunal, to which there are no grounds for appeal—that's another issue—say no? How can they say no? In the course of natural justice, how does this not contravene the Charter of Rights, by the by?

The Chair: Ms Stratford is joined by Rita Burak, the deputy minister. If either of you would wish to comment, along with Mr Stroeter, feel free.

Ms Stratford: I'm sorry, Mr Offer, the charter question was directed to—

Mr Offer: Let me put it in the positive sense. I thought that a francophone organization could apply to this tribunal to become accredited.

Ms Stratford: That's correct.

Mr Offer: After being so accredited because it met some criteria, which we are not yet aware of, it would then be able to say, as well as other francophone associations, "We are also accredited," and there is

room under the legislation for one such organization to receive a special sort of funding, the amount of which we still do not know and the place from which the moneys come we still do not know, but still could make that case. The tribunal would then say either, "Since there is only one organization serving francophone farmers," or "Of the number of francophone organizations which have become accredited, we think this is the one that should receive the funding. We so rule."

Now, I'm sort of hearing that this is not the case, that the organization doesn't have to become accredited and just goes to the tribunal and says, "Well, we're not going to become accredited, but we want the funding because we followed these certain criteria." In fact, if they do become accredited, they become ineligible for funding. Is that correct? Does the accreditation of a francophone organization disentitle it to special funding? That was a long question.

Ms Rita Burak: No, that's all right. Mr Offer, I may be getting into some level of detail that we'll get into on Wednesday and Thursday, but maybe I can just get you to step back before we answer the specifics, and there are some answers to some of your specific questions. For example, again on the issue of criteria, we did table the criteria in the information document, and they have not changed materially since they were written.

But to just step back and understand the whole scheme, as Mr Klopp explained, in the meetings and the discussions that took place with the general farm organizations obviously a policy decision was made that the grandfathering clause was most appropriate for the three general farm organizations listed. But from a practical standpoint and to ensure that the benefits of the act would accrue immediately to that even smaller group in society, the minority of farmers who are francophones, the ministry and the general farm organizations wanted to go a step farther and offer a scheme where they would receive some extra help by way of

funding to strengthen their organization. The one organization that has been around for a number of years is the UCFO.

Maybe you're asking, "Why not list four?" I think the minister addressed the issue of why the legislation was limited to grandfathering three on the first day he was here, so that's the policy framework that we're working in. It's limited to grandfathering three, but in order to go that additional step to assist the one long-standing francophone organization that has been here, they wanted to provide some mechanism to provide it with funding.

Mr Offer: I'm not going to continue on with that, but in section 11, it says, "In addition to the accredited organizations, one francophone organization representing farmers in the province may be eligible for special funding under this act." The reference "in addition to the accredited organizations," are we talking about accredited francophone organizations?

Mr Klopp: No, GFOs.

Mr Offer: So GFOs are also entitled to special funding.

Mr Stroeter: No. It refers directly to section 7, those that are listed there, as well as any others that may be accredited.

Mr Offer: It says, "In addition to the accredited organizations, one francophone organization...may be eligible for special funding." Doesn't that mean that there are some additional organizations that may be eligible for special funding?

Ms Stratford: It's not intended to mean that. I think what you're pointing out is a drafting problem.

Mr Offer: Okay.

The Chair: Thank you very much. We will adjourn till 10 am tomorrow morning in the same room.

The committee adjourned at 1549.

CONTENTS

Monday 30 August 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42	R-145
Alvin Runnalls; Max Sabey; Jack Shaw; Alvin Dobie	R-145
Northumberland Federation of Agriculture	R-150
Fred Thomson, president	
Marvin McComb, member	
Lyle Gallagher; Bruce Buttar	R-154

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway
Hansen, Ron (Lincoln ND) for Ms Murdock
Sterling, Norman W. (Carleton PC) for Mr Jordan
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC)
for Mr Turnbull

Also taking part / Autres participants et participantes:

Ministry of Agriculture and Food:
 Burak, Rita, deputy minister
 Stratford, Louise, director, legal services
 Stroeter, Rolly, director, farm assistance programs branch

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Richmond, Jerry, research officer, Legislative Research Service



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R-10

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Troisième intersession, 35^e législature

Official Report of Debates (Hansard)

Tuesday 31 August 1993

Journal des débats (Hansard)

Mardi 31 août 1993



**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

**Farm Registration
and Farm Organizations
Funding Act, 1993**

**Loi de 1993 sur l'inscription
des entreprises agricoles
et le financement
des organismes agricoles**

Chair: Bob Huget
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LEGISLATIVE ASSEMBLY OF ONTARIO

R-161

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday 31 August 1993

The committee met at 1005 in the Huron Room, Macdonald Block, Toronto.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Chair (Mr Bob Huget): Order, please. It is 10:05 am. We have members of the opposition caucus and members of the government caucus here. I was awaiting the arrival of members of the third party. They have not arrived. In the interest of efficiency and respect for those who take the time to come here and make presentations, we'll proceed.

RUSS DANBROOK

The Chair: Russ Danbrook, welcome. If you could identify yourself for the purposes of Hansard, which is recording these proceedings, and then go ahead with your presentation, you've been allocated one half-hour, and the committee would like about 15 minutes of that for questions and answers if you can see fit to do it.

Mr Russ Danbrook: Fair enough. My name is Russ Danbrook. I'm a farmer in Perth county. Thank you, ladies and gentlemen, for the opportunity to address your committee. Again, my name is Russ Danbrook and I'm a pork producer in Perth county.

I'd like to make it clear that while I oppose stable funding and the registration, I'm not necessarily opposed to the OFA. In fact, I was a member for a number of years and quit because of philosophical differences.

My opposition to this proposed legislation started even before the information hearings that were held across the province in the summer of 1992. After attending three of these meetings, I became even more opposed to the whole concept. The meetings were held at a busy time of year in an already difficult harvest season and were not well attended. Thus, farmers did not receive enough information on which to form an opinion or base a decision.

I helped to form the Silent Majority as a result of

what I'd seen and heard. Our goals then, as now, were to better inform farmers about stable funding and to seek a vote as the resolution to the question.

My problem with this legislation stems mainly from the fact that it is so undemocratic. That problem is compounded by the fact that it gives lobby groups a right to tax farmers of this province.

When I say that it's undemocratic, I would simply point to the figures. Approximately 20,000 farmers have chosen to belong to the farm organizations out of 70,000 farm families in this province, less than 30%. Yet here we are ready to grant them the power to force another 50,000 to follow their cause.

While the OFA has done a creditable job in some areas and with some problems, it is painfully inadequate in others. It cannot be all things to all farmers and therefore should not have the right to force all farmers to belong.

When one looks to the farm population for an answer, it's not readily available. OFA members think that Bill 42 is great. The balance of the farm population is considerably less sure. I point as proof to the Ontario Cattlemen's Association annual meeting, where they voted in favour of a resolution calling for a vote to decide the issue of stable funding. This association represents approximately 30,000 farmers in this province. By the way, that vote carried; they asked for a vote on stable funding.

As a director of the Ontario Pork Producers' Marketing Board from the county of Perth, I took a resolution calling for a vote on stable funding to our 1993 annual meeting. It was lost 79 to 78, indicating a split vote and how divided we really are. I believe a vote of all affected farmers is necessary to decide this issue before any part of it is implemented.

There are other issues involved with Bill 42 that I believe need to be questioned as well. One issue is the cost of registration. We were told at the information meetings last year that of the \$150 collected from each farm business, approximately \$25 would be used to cover the cost of registration, with the balance going to the farm organizations. Now the province and the Ministry of Agriculture and Food proposes to assume the cost of registration, a cost that would work out to \$1.75 million. Where will this money come from? In a province that is already cash-tight, it is probably not going to be new money. That means it will have to come from the existing Agriculture and Food budget, which means \$1.75 million less for research, education and other direct aid programs to farmers. I find this

deplorable and totally unacceptable.

While the fines for non-compliance have been removed from the previous bill, Bill 105, farmers who choose not to register for whatever reason will not be allowed to participate in government programs. The best example of this is the farm tax rebate program, where unregistered farmers will not get the rebate for the land portion of their taxes, which is their own money which they've already paid to the government. Is this not a form of punishment for non-compliance?

I question the need for registration. I fail to see the province's need for more information about farmers than what is already stored in the many data banks around this country.

I simply cannot accept the fact that having more money will guarantee a stronger farm voice. It may in fact be just a better-paid one. After all, how critical can the OFA be of a government who creates this monetary opportunity?

The proposed legislation came about in part, I believe, because Mr Buchanan did not foresee any major opposition to it. Obviously that opposition has been a complicating factor and has helped to create the situation we have here today.

As a member of the Silent Majority, I honestly cannot say that we represent the majority of farmers in this province, but I can say with certainty that we have better educated the farmers of this province about this bill. Opposition has also been raised in editorials in the *Kitchener-Waterloo Record*, *London Free Press* and the *Toronto Globe and Mail*, not to mention a number of local farm papers. I find it unfortunate, therefore, that Mr Buchanan did not see fit to attend the meetings which were held in Kurtzville, and only hesitatingly even met with us at Queen's Park.

All through my presentation I have referred only to the OFA in my criticisms. The obvious reason for this action is that while I respect and admire Elbert van Donkersgoed, the organization which he represents has only approximately 650 farm family members, less than 1% of the farm population. I find it therefore a little presumptuous, if not slightly arrogant, that the CFFO believe that they even represent any semblance of a strong farm voice.

Given the large cross-section of opposition that this committee has heard, and considering the fact also that the NFU could no longer be part of this scheme, one can only wonder how this committee could approve this bill in its present form. The bottom line is that the proposed legislation will be resolved by a vote. I happen to think that vote should open to all of the affected farmers in this province and not settled in the Legislature.

I would ask again that this bill be amended to include a vote of all affected farmers, to stop the divisiveness

and so that those of us who choose not to belong to these farm organizations are not branded as hangers-on, chaff, scabs or freeloaders.

I remain—committed to a vote—Russ Danbrook.

Mrs Joan M. Fawcett (Northumberland): Thank you for coming before us with your presentation and giving us the other side.

On the second page, you talk about "the power to force the other 50,000 to follow their cause," and then again you mention, "It cannot be all things to all farmers and therefore should not have a right to force all farmers to belong."

I think it was hoped that this present legislation, with the fact that you can apply to get your money back, would really take away that force. I'm just wondering if you would comment on that.

Mr Danbrook: While I realize the money is refundable at this point, I think a fear that all of us have who do not want to support this is that we will lose that refundable clause in a very short period of time and will end up with a non-refundable checkoff or tax given to lobby groups when in fact we might not support the things that they're doing, even though they're trying to do a good job.

Mrs Fawcett: It's really a matter of trust—that this bill will not stay the way it is.

Mr Danbrook: Maybe lack of it.

Mrs Fawcett: On that, yes: trust or lack of it. I'll turn it over right now because there was another question.

Mr John C. Cleary (Cornwall): Thank you for taking the time to come before the committee. I know there's probably many other things you could have been doing today.

But I guess the first thing that I would like to talk a little bit about, and you mentioned it here in your presentation, is the registration form. Have you seen a copy of the draft registration form?

Mr Danbrook: No, I haven't, John.

Mr Cleary: Maybe you could comment a little further. You say here that you feel that information is already in data banks in this country, and I imagine you mean federally and provincially. Is that correct?

Mr Danbrook: Yes. The privacy minister, Bruce Phillips, indicated that Canadians have their names scattered across these data banks approximately five times a week, through the ones that are held in this country, from different information sources. So I would guess that there's a pretty good file built on most of us, if we have that many entries per week. That would be my only comment there.

Mr Cleary: The other thing: I guess possibly, listening to your presentation, that your main opposition is that you feel very strongly that there should be a vote

on this legislation. That would be your main one?

Mr Danbrook: Ever since I got into this 14, 15 or 16 months ago—I never was a political person. I guess we stayed at home and farmed and I raised a family and I fought with my wife and I loved her some other times and that's about all we did. We never really got involved with politics.

The simple part for me was the totally undemocratic approach that this was creating. Less than 30% of the farmers, those who had chosen to belong to organizations, were forcing me at that time—and it's different now; I realize that. But at that time, when I got involved with it, they were forcing me to be part of that even though I chose not to. I chose for good reasons, I think.

A prime example of the reasons that I chose not to belong is that a year ago this past March, the OFA helped orchestrate a march on Ottawa. It was well attended; they did a good job of that. I can't criticize them at all for having done what they did. It was in support of supply management. Supply management benefits the milk industry and it benefits the feather industry.

As a pork producer, I could make a pretty strong case that I would be better off under a GATT situation, and therefore all of the efforts of the OFA helping those supply-managed commodities are working against me. Yet I was being expected to be supportive of and be quiet about that organization by going along with this. That's why a lot of the opposition came to the original plan, John.

Mr Cleary: You mention in your presentation there the two votes that you had and how the farmers were split; you say in your letter there a vote of 79 to 78. It's your opinion that this legislation will even split farmers more than they are now?

Mr Danbrook: When there's a vote in the House, and after it's all over, are you more split than you were before the vote? I happen to think that farmers would be less split. If in fact 51% of the farmers in this province voted for stable funding, I have absolutely no problem with that. I will accept it, I'll go along with it, I'll pay my \$150 and I'll shut up and go home. That's really where I sit and that's what I've said all along. When you can prove to me that you've earned the majority of the respect of the farmers in this province and their willingness to support your cause, maybe then I am chaff and a freeloader if I won't belong.

Mr Cleary: We have had other presenters who have said exactly the same as you're saying there. I guess my next question is, if this legislation does go through, without a vote in the farm groups, how are we going to go about uniting the ones who are opposed to it and bring them back in? I just wondered if you had any suggestions.

1020

Mr Danbrook: How are we going to unite the ones who are opposed to stable funding?

Mr Cleary: Yes, we want to bring them back in to try to work with them. Do you have any suggestions on that?

Mr Danbrook: I think it's going to be tough to unite without a vote. My own personal feeling is that the divisiveness is going to remain until all of the farmers who are affected by this have a right to make their opinions known with a vote. I know the minister has said the vote will create divisiveness. He could be right and I might be wrong. I can't say that I'm right, but I still feel that until an organization can earn 51% of our respect, we're going to have a hard time supporting it and we're going to be awfully reluctant members if we do. I don't see the majority of farmers, if in fact they are in the majority, being very strong supporters of the OFA or any farm group if they're conscripted into it, and that's really what I hate, the conscription aspect of it.

Mr Cleary: I think my colleague has another question.

Mrs Fawcett: On the second page of the brief, and I think maybe this is a question directed more to the parliamentary assistant, if he could, at the bottom of the page where it says, "One issue is the cost of registration," we were told at the information meetings that of the \$150 collected from each farm business, approximately \$25 would be used to cover the cost of registration, with the balance going to the farm organizations. Now the province and the ministry propose to assume the costs. I wonder if you would just comment on that, please, because I really wasn't aware of that at initial meetings.

Mr Paul Klopp (Huron): You mentioned something about it's going to cost \$25. When was that in it?

Mrs Fawcett: No, I'm saying it's at the bottom of page 2 in the brief.

Mr Klopp: The minister, I don't ever recall in this whole discussion, saying what it was going to cost. This \$25 figure was in the paper two years ago or a year and a half ago. We never mentioned that at all. That was just something that came up in an article, from my understanding. I'll leave it over to the deputy, because this issue is something we've talked about a number of times, about registration. She maybe has a more technical answer she can give.

Ms Rita Burak: No, my recollections of the \$150 fee disbursement were that I think initially a number of options were considered, but in the final analysis, we felt we could do this without any additional funding, and that would include the \$25 fee that might be attached to administration costs. If I can just go on another few seconds for Mr Danbrook, the information

that we gave to the committee, and which I would repeat to you, is that we are able to do this without any additional resources. We are very confident that the administration costs can be handled within the branch that already exists to do a lot of the assistance programs.

Mr Danbrook: Okay. Where I got that information wasn't an article; it was actually a quote from Norris Hoag the night of the meeting in Aitken. He's the one who gave us that figure. I find it interesting that you can process approximately 70,000 registrations at no additional cost.

Mr Klopp: At Aitken, was that also under the old Bill 105?

Mr Danbrook: That was under the old Bill 105, but I don't know how you can register people differently than you could then.

Mr Klopp: Yes, because under that plan there was going to be a corporation set up, because we were actually going to handle the cheques and literally take the money and then transfer it over to the farm organizations, which I think—you talk about your committee trying to get things better and more streamlined. I think you can take a feather there. This program now is that we don't process the cheques or anything like that; the cheques come in and they go to the farm organizations. They have to set up their bureaucracy. That really streamlined it.

All we're taking is what we want and I think it's very cheap. I think a lot of different ministries should look at how to gather information. We talked about this before, but what we want to know is general farm data, what operations you've got. This is actually going to be quite cheap in relative terms, and that's already, in a lot of our budgets, built in. So this form is what we want. We want to know exactly what farm programs are needed or not needed in this, a one-stop deal. So that's how we can really save the money and work within the system that we already have in place, because of those major changes from Bill 105 versus Bill 42.

Mr Danbrook: If I could have an opportunity for a clarification on the registration, one of our main opposition to that was the fear of it being something of a NISA, net income stabilization account, boondoggle. If it could be a simple declaration of three or four lines or half a page like that, it becomes an awful lot less innocuous for a farmer to fill out than something that's going to take him two or three hours and an accountant's help. That's one of the real fears that we had, that it was going to create additional costs and take quite a bit of time. If in fact that's close to what it's going to look like, I have a lot less problem with it, I'll be honest with you.

Mr Klopp: They've been working on that and, believe me, as one who's on the record as saying NISA

was a very complicated form, we very much don't want to get in the same trap. I'll give you a rough copy of what they've been throwing out to the farm community—

Mr Danbrook: I'd appreciate that; thank you.

Mr Klopp: —on what some of the lines were, so I'll let you decide that over the next little while. I'll give it to you right now.

Mr Danbrook: Thank you.

The Chair: Mr Villeneuve.

Mr Noble Villeneuve (S-D-G & East Grenville): Mr Danbrook, thank you for being here all the way from Perth county, where I believe you need some rain pretty badly.

Mr Danbrook: We got it. We live right up there, you know. We just got a little bit of everything.

Mr Villeneuve: You mentioned figures: 70,000 farmers; I believe there are well over 100,000 farm tax rebate cheques. Therein is the dilemma, I think, that we're all faced with, the voters list, and we've had a number of people from your organization tell us, "Well, you know, just send out a ballot to everyone who gets a farm tax rebate." Would that have been your way of establishing who should vote?

Mr Danbrook: No, I don't think so. I think there are better ways than that. I think you could come up with a list. If the political will is there, I believe a list could be achieved pretty handily. As a prime example of that, when Charlie Mayer decided he was going to deregulate barley selling, 21 commodity groups went to Ottawa. The OFA sent Bill Weaver and he was to sign a document calling for a vote on the deregulation of barley from single-desk selling. Now, it seems to me that the OFA thinks it can not only pick out the farmers in Ontario; it can pick out the farmers who are growing just barley. So they should be able to pick out the farmers if they can do that. That's maybe a simplistic approach too, but I think if the will is there, a list could be achieved. I don't want to make light of it, but I do believe a voters list of farmers could be achieved.

Mr Villeneuve: I appreciate your candidness and your sincerity in making this presentation. There is not really an easy solution to this.

Mr Danbrook: I accept that.

Mr Villeneuve: Therein is my problem, and that is why I fully expect and do have an amendment ready to section 33, which says, "After three years have elapsed since the coming into force of this act, the minister may have a review of the act to determine whether it is advisable that the act continue in force." I would like that to read "shall come to a committee of the Legislature."

I don't know; you can make presentations to ministers, whoever he or she may be at that time, and they

never get recorded and they can be taken lightly and they can be overlooked. The federation of agriculture, through its chief administration officer and its president, has admitted that it would have no problem with this. Would this, to a degree, satisfy your questions? I realize that this GFO—two of them now, apparently, and not three—will be a brand-new creation, an animal the likes of what we've not seen roam the rural sections of Ontario. Would this to some degree alleviate the concerns you now have regarding the credibility and accountability which you've referred to?

Mr Danbrook: I'm a member of the Silent Majority, but I'm not here today speaking on behalf of the Silent Majority.

Mr Villeneuve: I appreciate that.

Mr Danbrook: I spoke with Mr Klopp earlier. You offered an amendment there—

Mr Villeneuve: To bring it to committee.

Mr Danbrook: I presume you're asking my opinion of those amendments. Again I'm speaking personally and not on behalf of the Silent Majority, because I know that our philosophy all along has been evoked before anything is implemented.

Mr Villeneuve: Yes, just throw this all out.

Mr Danbrook: The practical part of me would say to you that if I can be guaranteed a vote three years down the road with your amendment, I'll take half a loaf before I won't take any.

1030

Mr Villeneuve: This is not saying a vote; it's simply saying a review of the positive and the possible negatives that the GFOs have brought to Ontario agriculture. You hit the nail right on the head when you mentioned that what's good for you is not necessarily good for someone else, and the dichotomy and the diversity in agriculture will always be that way.

We've had people who have come here and said that they'd rather not be on tripartite. They could then buy their feeder cattle cheaper, and that's possibly true, but there may not be anybody to provide them with cheaper calves.

So it's a vicious circle. You buy cheaper calves to feed out in your feedlot, but you may not have them to buy them a number of years down the road. So somehow or other we must provide the entire spectrum, which very often is in opposition to itself, sufficient chance to make a living.

Mr Danbrook: I realize what you're saying there, but what you're talking about is commodity-specific in the feeder cattle business. I'm a commodity representative. In fact, I'm going to a meeting, after I leave here, about the marketing of hogs in this province and whether we should have the right to sell them out of the province or not. That is a different thing than being forced or being coerced into being part of a lobby

group. That lobby group has to be seen to be effective for you before you want to belong to it; at least in my mind it does. If it doesn't do some good for you, whether you're paying \$150 or \$5, it's a waste of time.

Mr Villeneuve: Do you feel that the lobby group with our farmer friends in the province of Quebec is working for them?

Mr Danbrook: I do, but I think it's a different situation.

Mr Villeneuve: Under the Union des producteurs agricoles it's different?

Mr Danbrook: It is different. I talked about this at fair length with Roger George, both personally and in a meeting with the Silent Majority. These are not simplistic solutions, but there are an awful lot better ways that the OFA could do the job of retaining its members and being creative in the funding it has and uses in this province.

A prime example of that: We as pork producers hand the OFA \$16,000 a year, a blanket token. Before I became a director, I was not aware of all of the little things the OFA does. I appreciate that they do more than I had given them credit for. They lobby on a number of issues. But if they think that they're doing a good job of lobbying for us—every year at the annual meeting we hand them maybe four, maybe eight issues to lobby on, but we also say, "Here's your \$16,000."

If I want you to do a good job of lobbying and you're going to be good at what you do, it seems to me that the OFA should be coming back to us and saying: "Look, you want a job done. It's going to cost you probably \$20,000 to get that done. We can do it, but that's what it's going to cost." I think they need to be more positive in their attitude. Maybe we as a group should give them \$100,000 one year and maybe nothing another year if in fact we as a commodity group don't require them, but to give them a blanket fee of, like I said, \$16,000 and give them 16 issues, \$1,000 doesn't open the door on each of those issues.

Mr Villeneuve: Some of the broad issues they're involved in over and above the specific issues, farm labour law, environmental bill of rights, the Sewell commission, the tax rebate, the casinos.

Mr Danbrook: Those are the ones that I'm talking about where we refer them to the OFA.

Mr Villeneuve: I realize that, but the horse racing industry and casinos, nobody seems to be worrying about the horse racing industry; they are quite worried. The tobacco taxes—tobacco producers can't get labour to harvest their crops. This is the broad spectrum. As you get into commodity-specific deals, yes.

I was at the protest on Parliament Hill in February 1992 and I thought it was tremendously successful. I realized where the pork producers were coming from and where the non-supply management people were

coming from. That goes against, and therein is the dilemma that we face in agriculture, and I certainly recognize it, as you do.

Mr Danbrook: It shows pretty quickly that groups like the OFA can get involved in the general good but not commodity-specific issues. You talked about the dichotomy before. There's nothing they can really do for the pork industry, when it's not supply management, that might not contradict supply-managed commodity over here, or at least a lot of those issues would pit one against the other. I think they have to pretty much stay out of those, but the general farm goods taxation, labour, the Sewell commission, there's a lot of things that they can and should be involved in.

Mr Bill Murdoch (Grey-Owen Sound): Just one quick one. You mentioned in your brief about the registration and you sort of objected to that. Now you know the form might not be as bad as we thought it might be, because I had concerns about it also. I just want to point out, and I'm sure you do, you get your tax rebate back.

Mr Danbrook: Yes.

Mr Murdoch: And you fill out a registration there.

Mr Danbrook: Yes.

Mr Murdoch: This isn't going to be much different. A lot of people come in and say, "Well, now we've got to fill out a registration form." You're already doing that when you get your tax rebate back. Is that right?

Mr Danbrook: Yes.

Mr Murdoch: You don't have any problem with that?

Mr Danbrook: No, I don't. I pointed out before I have a lot less problem when I see what we're dealing with. As I said, my fear and a lot of the fears out there were that we were going to force farmers to deal with another NISA boondoggle, and they don't need that.

Mr Murdoch: So that's sort of cleared up.

Mr Danbrook: That is alleviated. I'm not striking it, but it's less to cover it.

Mr Len Wood (Cochrane North): Thank you, Mr Danbrook, for bringing forward your presentation.

Mr Danbrook: So far, it's been my pleasure.

Mr Wood: You've raised a number of issues. I notice with interest that you're saying you were one of the founders of the Silent Majority. Do you know approximately how many members you have in the Silent Majority lobby group or whatever you want to call it?

Mr Danbrook: No, I don't. It's a loose organization. It's basically a group of farmers from across this province who because of one reason or another were against stable funding and have found some way to form with us or join with us, either by phone or whatever. It's a loose organization and it's specific to this

one issue. We're not dealing with anything else. I said to Mr Klopp today, I hope my organization can die. There's nothing I'd like better than to see it done. I hope I'm being honest when I said I don't know how much support we really have out there. I think we have a fair bit as an organization. I think there are a lot of farmers who are sympathetic to what we're saying, but I can't give you a number, no.

Mr Wood: In your point 2 you're saying to seek a vote as the resolution of the question. We've had a number of groups that have come forward and said that they feel people have the right to vote with their chequebook and they fill out a simple registration form so that we'll know exactly how many farmers there are in Ontario. They have the right to vote with their chequebook and they can get a prompt refund. I just want to see what your comments would be on that, whether you consider that to be a way of voting.

Mr Danbrook: It is, I suppose, a legitimate way of calling it a vote. I pointed out before, given the amount of money this is involving right now, an awful lot of farmers—well, not a lot, but a few farmers are going to leave their money in there simply out of apathy, "I've got to start making requests, I've got to fill out forms to get my money back, I've got to send letters." So \$125, \$150, it's going to lie there. "I'm not really a supporter, but I'm not—" It's just general apathy. I think that's what somebody has to be counting on to achieve more money.

Given the fact, though—and this is a question I think is important—that maybe a lot of farmers do vote with their chequebook, and let's say for instance that the OFA doesn't achieve additional funding, in two or three years will this thing become mandatory? That is a real fear that I have, a real question that I want asked, and if in fact the situation that I understand with the OFA being in debt right now, \$140,000 this year and they had an ongoing debt from before—I'm not privy to the amount totally, but they're sitting with an accumulated debt there. If they have to start turning around a bunch of cheques and sending them back out, I wonder at what point in time the bank might try to realize on its security and therefore put the OFA in the bind of not being able to return all of the cheques to the farmers.

Who is going to guarantee those cheques back to the farmers asking for a rebate? Is it going to be the government of the day? Are they going to have the money, or is the political will going to be there? Would it not in fact be an awful lot handier at that point in time to make this situation mandatory rather than start handing these cheques back? It's certainly cheaper for the government.

Those are the fears that I have. Maybe they're unfounded. I don't happen to think so.

1040

Mr Wood: The only comment I would make is that

some of the other organizations that have come forward and made presentations are saying that whichever farm organization it is, if they want to increase their membership and to have a viable organization to lobby on behalf of the farmers, whether it be the Silent Majority or whether it be the Ontario federation of farmers, it's in their best interest to get the cheques back as promptly as possible if somebody doesn't want to join. It's in their best interest to represent the people to the best of their ability, to broaden their scope and be there.

Mr Danbrook: That's true. I realize that they would probably want to expedite getting those cheques back, but on the other hand, it also creates a list for the OFA or the CFFO to go out and canvass these people one on one and it creates the situation where farmers could be under more pressure to join these groups down the road than they are now, or to not seek a refund.

Mr Wood: Okay. That's all I have, Mr Chairman.

The Chair: Mr Cooper, very quickly.

Mr Mike Cooper (Kitchener-Wilmot): Yes, Mr Danbrook. You made the comment that maybe because of apathy the people may not ask for the refunds. I know right at the end of your presentation you talk about hangers-on and things like that. Other presenters have come forward and the comment has been made that maybe it's because of apathy that people haven't registered with some of the GFOs. What do you think of that?

Mr Danbrook: I think there's a degree of that too, yes. I'm not going to sit here and deny something that I think is right. I think that's a very real problem. I don't choose to belong to these organizations. As I pointed out before, I think I have reasonable rights to suggest why I don't want to belong. On the other hand, I'm involved with the pork producers as a director.

What I resent more than anything else is the fact that over the last four or five years, and especially since we've been involved with this, there's been a number of incidents with name-calling involved. I've been called a freeloader and a scab more times than I like to admit. A letter to a rural paper from the Perth county OFA president indicated that the members of the OFA were the wheat in our county and the rest of us were the chaff. That does nothing to reinforce my opinion of the OFA.

Mr Cooper: Just a yes or no answer. You used to be a member of the OFA. Did you get your money's worth, the \$145? Do you feel you got your money's worth, yes or no?

Mr Danbrook: Well, it was only about \$50 at the time, and I can't say I did or didn't. I wasn't an active member.

The Chair: We have exhausted the original half-hour allocation. There is some time remaining, if there are questions. If it's the unanimous consent of the

committee to continue with this witness for another five or 10 minutes, that's fine with me.

Mr Villeneuve: Do you agree, sir?

Mr Danbrook: I'd love it. I'm enjoying it.

The Chair: Are we on board?

Mr Steven Offer (Mississauga North): Mr Chairman, I have a question, not so much of this particular deputant but rather to the ministry staff.

The Chair: Would you wish to deal with that now or perhaps when we're finished with the witness and then deal with it? We have enough time.

Mr Offer: Sure.

The Chair: Further questions for the witness?

Mr Villeneuve: With the fact that it can be reimbursed, and many people have expressed concern as to the time factor for reimbursing, will you be registering with one of the GFOs as a pork producer if this bill goes through?

Mr Danbrook: Will I be registering with one of the GFOs as a pork producer?

Mr Villeneuve: As a pork producer and as a farmer.

Mr Danbrook: I can't afford not to. My tax rebate is important. The threat of the loss of that is enough of a deterrent that I'm going to register. As much as I like or don't like this thing, my wallet is the bottom line there.

Mr Villeneuve: You don't have to answer, but do you intend to apply for reimbursement of the \$150?

Mr Danbrook: Yes. I do right now, simply because of what I've gone through in the last year and a half. I have fought this thing tooth and nail, and out of principle, if this thing is not made more democratic, then—like, the \$150 is not even going to come close to reimbursing me for my phone calls, but it's a start. We've put a lot of work and effort into what we've done, and we've worked hard at it. I guess out of principle I simply wouldn't at this point support one of the lobby groups.

Mr Villeneuve: The province of Quebec is receiving federal and provincial money, \$40 million worth—it's in the Toronto Star this morning—regarding further exploring the pork industry and the dairy industry as to new markets, niche markets, whatever. Would you feel that the province of Quebec, because of its strong lobbying by UPA, possibly got this where maybe Ontario didn't ask? We seem to be following the lead of many Quebec producers in that they explore new areas and then we find out about them as farmers.

Right now we're going through some very, very difficult economic times in the rural agricultural communities. They are suffering. If you sell grain, you would have sold grain at a higher price in 1980, and a considerably higher price than you would be getting for grain now. You're a pork producer. If you don't pro-

duce grain, that's a benefit to you. Therein again we go back to that dichotomy.

But going back to UPA and the way they lobby in Quebec—I wish I had brought the article with me—there is I believe \$40 million of investigative new markets, looking at the American markets. As a pork producer I'm sure you're very concerned as to what's happening with our exports to the US. That's probably what your meeting is all about. But do you feel a lobby group that we now have—they admittedly tell us they cannot fight the war on all of the fronts. Do you not feel that a somewhat better organized, better funded group could do a better job?

Mr Danbrook: Certainly a better funded group could do a better job. The difference in your opinion and mine is that I think they have to deserve those funds and you're saying they should be legislated. That to me is part of the problem.

Going a bit further back, the UPA might be able to take credit for that \$40 million you're talking about or it could be just a more progressive attitude from the government in the first place. I realize that right now we are following in a lot of situations. We're following the Quebec government, letting it take the lead.

To give the UPA the credit? I'm not sure that they deserve it or don't deserve it. I personally don't know the situation well enough. I think any lobby group that's effective and maybe prioritizes its issues and spends a lot of time maybe could achieve improved results, but maybe you look at your budget and you prioritize based on your budget and do what you can instead of trying to be all things to all farmers when you can't.

Mr Villeneuve: The refundability aspect I think is a most positive aspect of Bill 42 which was not in Bill 105, and the question went to Carl Sulliman, who is the chief administrative officer, "How many increased participants or members of the OFA do you feel you will have?" His answer was, "Exactly what we deserve." I think you're saying the same thing in a slightly different way. If their membership goes up, they may have deserved more members. If their membership goes down, this may well be the offshoot of them not deserving. Do you not feel that is a fairly good safeguard for the short period of time until we have a look at the legislation again?

Mr Danbrook: I'm willing to accept that in the short term, but I think there have to be not just amendments that indicate "may" down the road. "Shall" is a good word. "Will" is another word I would like to see used in any amendments, and I believe that amendment should include a vote, or the possibility of a vote at least. Farmers in this province deserve that right.

If we don't get the vote among ourselves, and we know what we want or don't want, then it's going to be settled—and no offence to the urban MPPs in this room.

I respect that you're not from the farm, but you don't know what we want as well as we do. Give us the right to vote on what we want or don't want. If, in fact, stable funding is the buttered bread that it's supposed to be and 51% of the farmers favour it, I'll shut up and go home. I said that before.

1050

Mr Villeneuve: But if you take your money back—

The Chair: Excuse me, Mr Villeneuve. Mr Cleary.

Mr Villeneuve: Could I just finish my—

The Chair: Mr Cleary.

Mr Cleary: Thank you, across there. One thing we didn't much about is the tribunal in this half hour. It was mentioned here about who might sit on that tribunal, once the minister makes the decision, and it was said that we didn't want or it wasn't suggested that anyone close to a farm organization, like a director, should sit on that tribunal. Would you have some comments on who you might like to see sit on that tribunal?

Mr Danbrook: I'll go back to the meeting in Kurtzville that we had. The second meeting that we had in Kurtzville, a Mennonite bishop and his family came to the meeting. That's a rarity in itself, having Mennonites participate actively in meetings or at least even passively sitting there. This one came to the microphone and he said to Elbert van Donkersgoed, who was sitting at the front, and I'm paraphrasing because I can't quote him now, but "Who can you put on a tribunal that has the right to question my religion?"

I guess if people are going to ask, for a religious reason, to be opted out of it, then you're certainly going to need somebody who is an awful lot more qualified than a farmer to tell him that he's not close enough to God to get his exemption. I don't know who should be on the tribunal and maybe I'm not being very constructive, John. But it's going to take some awfully intelligent people, and I think it's got to be independent of the OFA and the CFFO and anybody who can benefit from it, because obviously there would be a bias there to include everybody because you've got more opportunity to be funded then. I guess I'd have a real problem with that. I think you're probably right, an independent. But how can you judge a man's religion?

Mr Cleary: I know that that tribunal will be one of the keys that will make this work or not work, just the people on that tribunal. That's one thing that I as a member am very concerned about. I'd just like to thank you for your remarks, what you said and the way you feel about it. That was my question.

The Chair: Mr Danbrook, I would like to thank you, on behalf of the committee, for taking the time to be with us this morning and spending extra time in terms of questioning from committee members. I, for one, certainly enjoyed the exchanges that took place.

They were most enlightening. I trust that you'll stay in touch with Bill 42 as it proceeds through the process, either through the clerk of the committee or through any member of the committee or your own sitting MPP. Again, I'd just like to thank you very sincerely for taking some time and putting a very candid point of view across. Thank you very much.

Mr Danbrook: Thank you, Mr Huget. Could I have one more minute, please?

The Chair: You certainly can.

Mr Danbrook: I would like to share with you something that a neighbour told me the other day. Apparently, Mr Buchanan had been touring Africa recently. I wasn't aware of this. But he was covering some of the agricultural areas over there and as part of it, he was asked to give a speech to some of the local natives, none of whom spoke English, so he got up on this little wagon and got an interpreter beside him and he said: "Good afternoon. I'm Elmer Buchanan. I'm the Minister of Agriculture and Food in the province of Ontario in the country of Canada," and the interpreter did his job. He spoke to the natives and they all stamped their feet, clapped their hands and yelled, "Huzanga, huzanga." That is pretty good, so he went on and said, "Yes, I'm one of the chief architects of Bill 42, which is going to provide stable funding for the farm groups in my province." Again, the interpreter did his job and the natives clapped and cheered and yelled, "Huzanga, huzanga," and he said, "Yes, under my direction the farmers will all pay into this fund." Again the interpreter did his thing and they all cheered and yelled, "Huzanga, huzanga." So he finished his speech and came off the little wagon and he was walking around through this field of cattle with the interpreter, just chatting, and he said, "You know, that was really great the way they received me back there, all that cheering and yelling." About this point, he's walking past this cattle beast and the interpreter looks down and he says, "Be careful, Mr Buchanan, you'll step in that huzanga."

The Chair: Your comments are noted, Mr Danbrook. Thank you very much. Mr Offer, you have a point of clarification.

Mr Offer: I have two matters that I'd like to raise. One I believe is just a drafting matter for my edification and, secondly, I think one of a more substantive matter. In the application for accreditation, it says that an organization can apply to the tribunal to become an accredited farm organization. It doesn't say—and I haven't been able to find it; maybe it does—that in order to become an accredited farm organization they must meet certain criteria, and I think, from the purposes of the bill, as set out in the regulations.

From a drafting point of view, is there the need for potential farm organizations to know that there are criteria that they have to meet that may be found in the

regulations, or not? Is there some link, some bridge that has to be found in the legislation? That's just a drafting question from my perspective, but would you like me to ask the—

The Chair: Mr Klopp, would you care to respond to the question?

Mr Klopp: Your point's taken. We can deal with that and we can go through clause-by-clause and unless Louise or someone has a right up-tight answer on that very technical point right now and can do it short and sweet, we can deal with it now—

Mr Offer: I just don't know if that bridge is necessary.

The Chair: Ms Stratford, legal counsel, has joined the committee for a second or two. Go ahead.

Ms Louise Stratford: I would direct you, Mr Offer, to section 6 of the bill, wherein it says that the tribunal must determine that the prescribed criteria are met before it can make the order.

Mr Offer: Okay, right. Thank you. That is helpful. My second question deals with a more substantive point. I note in the document that was provided by the ministry it says that one of the criteria is that the GFO contribute at least 25% of revenue from membership to the local organization level. When I've read the legislation, there is not a word of that requirement in legislative form, and I'm wondering if there is something which I have missed or if there is, in fact, any legislative requirement that a GFO send 25% of the money that it collects from the farmers of this province to the local organizations.

Mr Klopp: The deputy seems to have the right page on this right away, so we'll let her do it.

Ms Burak: I think, Mr Offer, you're speaking to the issue of whether or not the accreditation criteria are listed anywhere in the legislation or the regs, are you?

Mr Offer: I know that the accreditation criteria are not listed in the legislation and they are not listed in the regulation; rather, the only thing that's found in the regulation is that there is a list that's going to be prepared, but it's not in the regulation, which is another issue. But there seems to be, from my perspective, an important aspect in the bill, and that is that the dollars that are collected on registration from the ministry are forwarded to the accredited GFOs. The GFOs, as they are accredited, must, according to this document, send at least 25% to the local organizations. My understanding from these hearings is that those local organizations are very—they're essential. I haven't seen in legislation where the local organizations can point to any government and say, "Listen, in the legislation, in Bill 42, it says that a GFO is supposed to send at least 25% to us." That isn't there, and I just wondered if I've missed that or not.

Ms Burak: You're right. It's not there. But again, it speaks to the issue of the fact that none of the accreditation criteria are in the act. I guess the issue for the local organizations, being concerned about whether or not they're getting 25% of the funds, is an issue that can be brought forward, just as other elements of the accreditation criteria would be coming forward to the tribunal.

Mr Offer: Well then, my last question—I'm cognizant of time.

The Chair: Very quickly; we have witnesses waiting.

Mr Offer: But to the parliamentary assistant, as a policy matter, I understand that the criteria for accreditation are going to be found in regulation, and we all know that changes in regulation can occur outside of the legislative process. People will always have opinions on that. But on the matter of the local organization receiving at least 25%, as a policy matter, do you not believe that at least that be put in legislative form so as to guarantee to the local organizations a security that as the GFOs will receive the funds, as are in the legislation, so do the local organizations?

Mr Klopp: Very quickly, the local organization is one and the same as the GFO, and so to put it in, in reality, that will not be a problem because it's the same people who are at the local organization level who are also part of the big parent group. It's like your arm is part of your body, if I can put it that way; maybe it's a bad example. So to put it in the bill, that it's going to be 25% rather than the reg, there may be a time when they want to go higher than that, higher than 25%.

You're right; you can change regulations. However, in the real world out there of that GFO that gets accredited, that will take care of itself with that organization. It does not have to be in the bill.

The Chair: Thank you, Mr Klopp.

CARL W. BOLTON

The Chair: The next scheduled witness is Carl Bolton, if you could come forward.

Mr Carl W. Bolton: Good morning.

The Chair: Good morning, Mr Bolton. You've been allocated one half-hour to make your presentation to the committee this morning. We would appreciate about 15 minutes of that, if it's possible, for questions and answers from committee members. So proceed at your leisure.

Mr Bolton: Certainly. Good morning. My name is Carl Bolton. I'm a fifth-generation Huron county farmer, which is in the riding of Mr Klopp.

Mr Chairman, committee, ladies and gentlemen, is Bill 42 in the public's best interests? Thank you for allowing me to express my concerns about Bill 42. I would ask that the members of the committee set aside their views on specific farm organizations for a moment

and consider Bill 42 from the viewpoint of the public.

Of greatest concern is the compulsory annual registration and collection of prescribed information pertaining to all businesses affected by this act. Many do not participate in government programs for a variety of reasons: religion, retirement, administrative costs or overall ineffectiveness of programs. Programs requirements such as land ownership or income from other sources sometimes disqualify participants. They too will be required to provide the prescribed information.

It was first suggested that only name, address and phone number would be required. Now it is being suggested that certain financial and personal information similar to that already collected through government programs must be provided yearly. In the future, the regulation pertaining to the prescribed information may be modified by the minister by order in council without debate in the Legislature. The prescribed information requirements will undoubtedly become very extensive and detailed.

Should all businesses and small private enterprises in other industries be legislated to provide prescribed information under similar legislation? Will it be used to regulate the incomes and lives of individuals and businesses within the industry? What will the government do with this information? According to the act, the minister may use the prescribed information for prescribed purposes, which again may be modified by the minister by order in council. The possibilities become endless. I fear Bill 42 will become an example for other industries and organizations without the best interests of the public being considered.

The other issue of major concern is the government accreditation of lobby groups and collection of their funding. The main objective of lobby groups is to lobby the government for legislation and/or assistance, often pursuant to a single ideal or goal for or against a single industry. Is it wise for the government to provide legislation, manpower and resources to collect and distribute these funds whether refundable or not to such organizations? If funds are given voluntarily, without fear of reprisal or denial of benefits, legislation is not needed because it serves no purpose.

Would the tribunal which is to rule on the eligibility of other organizations allow groups that hold views different from those of the grandfathered organizations to be accredited? It would be difficult to obtain an unbiased decision if any remuneration or members of the grandfathered organizations are part of this tribunal. The decisions of the tribunal are final. No appeal process is available for accreditation, religious exemptions and cultural special funding decisions of the tribunal.

All of these issues are redundant if the funds are to be truly voluntary. However, I believe this is not the case and in a very short time funding will again be

compulsory as stated in Bill 105.

If ultimately these lobby or union dues are to become non-refundable or compulsory, a mandate supported by a definite majority of those involved must be clearly demonstrated. In addition it is not known who will determine the prescribed amounts of these dues in the future. If control of the organization and its funding does not lie solely with its members, the integrity of the organization and the government will be lost.

I fear that Bill 42 will become the reference for funding to other groups involved in other industries and issues. The public would not be served if governments are perceived to be governing by special-interest ideals rather than the majority.

In summary, Bill 42 is an accumulation of mass information and sponsorship of an inefficient funding scheme. It is a definite encroachment into the lives of private individuals and family farm businesses. It is a waste of public resources. Money, time and manpower resources could be better utilized enhancing areas such as education, research and market development to ensure long-term advances in agriculture and other industries.

Considering all the flaws, perceptions and consequences of Bill 42 on agriculture and the public, I ask this committee and the government to reconsider Bill 42 and act accordingly. The conclusion is obvious that Bill 42 is not in the public's best interests.

The Vice-Chair (Mr Mike Cooper): Thank you. Questions and comments? We have about seven minutes for each caucus.

Mr Villeneuve: Mr Bolton, thank you very much for coming down from Huron county this morning to make your presentation. You are actively involved in farming?

Mr Bolton: Yes, I'm a full-time farmer. I have no outside income.

Mr Villeneuve: Did you at any time ever belong to the OFA or Christian Farmers?

Mr Bolton: No, I have not, but my father has.

Mr Villeneuve: You simply make a statement here that it is not in the public's best interests. Are you aware of the activities of UPA in the province of Quebec?

Mr Bolton: Only very little.

Mr Villeneuve: They are a very strong lobby group. They do research, they do market research, they do a number of things that you say should be done instead of this. This becomes part of it, and I'm not sure just how heavily involved, I guess the adequacy of funding will be the determinant factor as to whether Christian Farmers, OFA or whoever the GFOs are can do some of this for farmers at the request of farmers. If this bill goes through, do you intend on registering?

Mr Bolton: I'm required to.

Mr Villeneuve: No.

Mr Bolton: Yes, according to my copy.

Mr Villeneuve: You're required to but—

Mr Bolton: I'm required to according to my copy of the act that was sent to me by Mr Buchanan. I carry on a farm business and I have an annual gross income. From the number that's being mentioned at \$7,000, I'm well above that as a gross income.

Mr Villeneuve: I don't think you need register, simply you would be forgoing some of the farm tax rebate, for example.

Mr Bolton: Correct me if I'm wrong, but it says, "A person shall file with the ministry a completed registration form." That's what I read in it.

Mr Villeneuve: Okay.

Mr Bolton: I am required to register. Now I can ask for a refund.

Mr Villeneuve: Yes, do you intend then asking for a refund?

Mr Bolton: Yes.

Mr Villeneuve: At that point in time, you will no longer have any say in the two GFOs that will be in place, the OFA and the Christian Farmers.

1110

Mr Bolton: They are not the only two agricultural groups in the province. In addition, I'm a member of several commodity groups which have paid fees to one of those organizations. So through them, I still have a voice.

Mr Villeneuve: Through them, you would have a voice.

Agriculture is a somewhat different type of business in that we agricultural producers are into producing commodities that are in a lot of instances perishable and the situation where you have very little say in your cost production and very little say in the farm-gate cost of what you've produced. Do you not feel that somewhere—and I know commodity groups do it to a certain degree—an umbrella organization should be looking for the benefit of agriculture per se as opposed to the pork producers, the dairy producers, the feather producers, the grain producers?

Mr Bolton: I've asked that this be considered from the viewpoint of the public or other industries. Should all small store owners form an umbrella organization legislated by the government to do the same thing? I'm not saying that lobby groups do not do good things, nor that lobby groups don't do research. The logging industry, the people who oppose that industry, they obviously do research, and who's to say whether they are doing good or bad. Should we all donate money to them if we can ask for a refund? I'm comparing it to a broad situation, not just agriculture.

Mr Villeneuve: But you continue to compare your

corner store in downtown rural Ontario to the farm down the road. Is there a real, legitimate comparison here?

Mr Bolton: In the sense we have to carry on as a business, and we do or I won't have a livelihood. I'll have to give it up.

Mr Villeneuve: I will yield to my colleague.

Mr Murdoch: Do you object then to the register of the farmer?

Mr Bolton: Yes.

Mr Murdoch: Do you get your farm tax rebate?

Mr Bolton: Yes, I do, but I know others who don't even own land.

Mr Murdoch: No, we're just talking about you.

Mr Bolton: Yes.

Mr Murdoch: Do you fill out the form there?

Mr Bolton: Yes, I do.

Mr Murdoch: So basically it's the same sort of thing. We've seen a draft copy and it's not a lot more information that's going to be on the registration. You do register now?

Mr Bolton: Yes, because I'm already on the tax roll, the information—

Mr Murdoch: No, but you still fill out the form. You have no problem filling out the form to get your tax rebate?

Mr Bolton: No. I fill it out because the program's there. I'd be foolish not to.

Mr Murdoch: I agree.

Mr Bolton: And it asks basically your name, address and phone number. This legislation goes beyond that. The form that I just received a couple of minutes ago is asking education and age, and I ask the government, "From this form what kind of policy could you develop?" You're going to need more information than this to develop an effective policy.

Mr Murdoch: Maybe not.

Mr Bolton: We don't just need specific programs. We need an overall policy. The OFA, for example, opposed free trade. I was in favour of free trade because I think overall, on agriculture and other industries, it had a great effect.

Mr Murdoch: If you're a member then, you could go to the meetings and do your opposing right at the meetings. I didn't always agree with my federation in my county and one time I thought I should quit. Then I thought it's my fault, if I don't go and object. I'm a member and I have that right to go and object to what they're doing. Obviously in the end the majority will rule, which is okay. If I can't get my point across, then I guess maybe I'm in the minority. If we don't belong, then we don't have a right to go and complain. It's sort of the same as if you don't vote, you really have no

right to complain to the governments that are there.

Mr Bolton: That's right. I believe that you should vote.

Mr Murdoch: Okay.

Mr Bolton: But I also believe that if I don't agree with the NDP government that I shouldn't join their party as opposed to a different party.

Mr Murdoch: No, but you have voted and you have a right to go to their meetings and tell them that you don't agree with what they're doing or you have the right to come here to all the meetings that we have now, and this is why you're here today, because this is a proposal put forward by the government of the day and you're here to voice your opinion. If you hadn't voted, then maybe you wouldn't have had as much credibility, but since you say you voted, you have all the credibility in the world, you have the right to come here. So that's what I'm trying to point out. But the fact is that you can get your money back.

Now, I know what you're saying. You're saying, "All right, we're still forced to do it," and that may be to a point. But I think this is a chance farmers have never had before in the history of Canada. I think that now they have a chance to have a strong lobby voice to do the things that, in your brief, should be done. They're going to be able to do that if they have an effective voice at Queen's Park, an effective voice and enough money to be able to do that. But if the bottom line is that you don't want to belong, which is your right, you can require your money back. Do you not think that's good enough?

Mr Bolton: No, I really believe that I shouldn't be asked to join one of these two organizations listed. Should you have to join Greenpeace or any other lobby group for any other industry?

Mr Murdoch: You're comparing now and you're getting into different—you can talk about that and you can talk, like Noble said, about the corner stores; it's the same as the farm. I don't believe you can compare whatever happens in the world, different things, to farming. Farming is farming and that's what we're with.

I suppose if you, in your wisdom, decided that lobby groups such as Greenpeace and that should have some legislation like that, you could lobby the government and we'd have to see where that would go. That's a whole separate identity in itself. This is strictly for the farming industry and as to whether it will help the farming industry or not. I know you said you didn't think it would help the public at large.

I think a lot of us are concerned whether we're going to help farming or not. Farming, we think and a lot of people think, is in trouble and does need some help. This would be one way of doing it. Obviously a lot of people agree and there are some who disagree.

The Vice-Chair: Thank you, Mr Murdoch. Mr

Hansen and Mr Waters.

Mr Ron Hansen (Lincoln): You said you belonged to one of the commodity groups.

Mr Bolton: Yes.

Mr Hansen: Which commodity group was it?

Mr Bolton: I belong to the pork producers, the beef producers, the bean board, the wheat board, the seed growers, the local fair board.

Mr Hansen: Okay. Some of these commodity groups that you belong to you have a certain interest in there, because you raise pork. Correct?

Mr Bolton: Yes.

Mr Hansen: In order to sell your pork, would you have to belong to the pork producers on a larger scale?

Mr Bolton: You have to market your pork through the pork board. That is legislated. Fees are deducted from your cheque.

Mr Hansen: Did you have a choice here to be a member, or did you ask for your funds back?

Mr Bolton: I don't believe I can ask for my funds back from the pork board. Now the beef, which was voluntary, is compulsory.

Mr Hansen: Do you feel this is fair in the pork producers?

Mr Bolton: The cattlemen's, which I'm most familiar with because that changed when I became a full-time farmer, was done on a vote of the actual producers. So I accepted that.

Mr Hansen: As it is today, do you feel it's right that you pay into the pork producers a fee?

Mr Bolton: It was decided on by the members, therefore I have to accept that, yes.

Mr Hansen: Is there any objection today from the pork producers, or would everybody like to be on their own?

Mr Bolton: There's quite a discussion now being concerned that one corporation or farm business wants to ship its hogs to the US and the pork board is not allowing that. So there is dissension.

Mr Hansen: But overall, most of the pork producers are agreeable that the pork producers are looking after the pork producers. Is that correct?

Mr Bolton: To the best of my knowledge. I'm not a director of that board.

Mr Hansen: I take a look at a lot of the producers. They're all, as you said, associated with the OFA. Are there any programs—I'm not going to just say the OFA. I know these ones are, but they could be associated with the Christian Farmers also and some other farm organizations. Is there anything that you receive as a pork producer not paying as an OFA member as it is right now? Are there any benefits that you receive of these groups belonging to the OFA?

Mr Bolton: I'm not familiar with all the programs. Your question is?

Mr Hansen: Okay, you're a pork producer?

Mr Bolton: Yes.

Mr Hansen: The pork producers of Ontario, I believe, contribute to the OFA.

Mr Bolton: Yes.

Mr Hansen: Are there any benefits that you see as a pork producer coming back to you through the OFA?

Mr Bolton: Because I haven't been a member of the OFA directly, I'm not sure if they've been involved and how much they've been involved in the tripartite stabilization program that's now nearly finished. Conversely, OFA has been in strong support of supply management, but the pork board has repeatedly turned that down.

Mr Hansen: But wouldn't you say that the OFA—I'm saying OFA because I know, in my own particular area, it supports pork producers. When there's a county fair, you see the OFA sign and you see the pork producers there also; you see the different commodity groups. OFA seems to be a group that pulls all these commodity groups together to have a display at a county fair. I take a look at—they are doing something for you.

1120

To wind up being a member—and maybe the pork producers—I've asked this question of other farmers coming forward and representatives from the farm community. The OFA for one, I know, has a dental program, has some other safety benefits and safe farm programs, pamphlets going out to farmers to make them aware of certain chemicals and maybe chemical effects which maybe the government hasn't done, but it's picked up some of these loose ends here. Do you agree this is something you would benefit from if you were a member of this organization, or do you have this with the pork producers?

Mr Bolton: I don't disagree with the fact that the OFA does some good things. I won't dispute that. But what I do dispute is being forced to join.

Mr Hansen: No, you're not being forced to join, because you can ask for a refund.

Mr Bolton: It's costing me if I don't want to join. It's costing me money not to join, because I have to take the time and write a cheque, which the bank charges me to write, and send it in with a 40-cent stamp and the envelope and then I have to wait while my money's tied up somewhere else to get it back. I have to take time to ask for it back. That's all cost. So to say I'm not being forced to do anything—I'm being forced to get my money back that I don't want to give in the first place, at this time.

In the future, I may want to join. There was a time

when I was canvassed. My father was a member. We felt, because we worked so close together, that one membership was enough. There would never be two of us at a meeting at one time anyway, and we were satisfied with one voice. But the people felt this wasn't correct, that I too should join and put in another \$150.

Mr Hansen: I know we've only got seven minutes. I have to leave some time for my colleague here.

The Vice-Chair: Mr Waters, one quick question.

Mr Daniel Waters (Muskoka-Georgian Bay): It was pretty much what my colleague Mr Hansen was getting at. As an all-party committee—and most of us actually, on this committee, are rural members—we have great concern about farming. I represent the riding of Muskoka and when I grew up there were a lot of farms. There are virtually none. There are maybe three or four farms of any—maybe three maximum of any size. I live on a 100-acre dairy farm that now grows 98 acres of scrub brush and a couple acres of lawn. None of us wants to see this continue. I think that's what the effort is, to work with the farm community and the organizations that represent the farm community to try to find a better way to save the land and save farming.

I don't see in the legislation where you have to join. Yes, you have to register and that registration costs you the price of a cheque that you can get back and the price of a stamp. The registration part is one, but the OFA, as I understand it—all it would get, if that was your chosen one, is your name and address, where to return the cheque to or to send a cheque back to you. They don't get all the information, as I understand it.

Mr Bolton: No, the government gets that. But then it's up to the minister to use it at his discretion. It even says in here, "to develop mailing lists." It says, "prescribed purposes." That can be open to anything.

Mr Waters: But that way, don't you think the government should know the crops that the farmers are indeed doing so they can create a comprehensive way of marketing or working with the farmers? I just see that for so many years it's been hodgepodge. We've lost pretty much all our farming, even the ones—we lost all 9 or 10 dairies. We have nothing left in Muskoka. Part of my riding is north Simcoe. I get concerned about this spreading south. When I go over to eastern Ontario, I see all this vacant land sitting there. I think we have to work somehow. I would assume that we have to work with the organizations.

Mr Bolton: Agreed, but the government shouldn't be seen as part of their funding. You lose your integrity. Who's going to sit on this tribunal? Who's going to rule on it?

Mr Cleary: Thank you for your presentation. Have you seen a copy of the draft registration form?

Mr Bolton: Yes. I just got it a couple of minutes ago.

Mr Cleary: Are you satisfied with that or do you feel that there should be things added or deleted?

Mr Bolton: There's nothing that offends me on the form, but what can you develop from that? What kind of program can you develop from that? I'm at a loss what kind of program you could develop from that information. They're going to, obviously, have to ask for more information, which I then become opposed to.

Part of the problem with negotiations with the United States is that our programs have influenced the production of one commodity or another. So how is the government—if it has the list of all the crops that are grown, for example, what kind of policy is it going to try and set from that? If you want to increase the price of pork somehow, do you shut the border when we can produce more than we eat? Then at the same time, okay, you raise the price of pork. Are you then going to turn around and control the price of the combine or the machinery, the inputs? If you really want to fix this net income, you've got to fix both sides of the equation, not just one.

Mr Cleary: I just wanted to get your concerns on the record there.

The other thing that you had mentioned about in your presentation—you talk a little bit about Huron county. Do you think this bill will split the agricultural community more than it is now once this bill goes through, or do you feel that the problem will be worse or better afterwards?

Mr Bolton: I think it will remain divisive, probably about where it is. I don't see any improvement or getting worse. The people who oppose it are going to continue to oppose it because the issues haven't been decided one way or the other.

Mr Cleary: Is there quite a bit of opposition in your community?

Mr Bolton: We have a small seed business and farmers come in a lot of the time and even OFA members feel there should be a vote, and the other thing is we don't need to fill out another government form. Those are probably the two main concerns of people who have talked to me. They're not going to storm the government if this goes through, but I believe there's opposition to its being done. Why should these be the only two groups listed? There was another group listed and now it has dropped out for special reasons.

Another point is the francophone community. If they're representing the farmers and meet all the criteria, why are they not listed as a grandfather organization, or is there only one francophone group that represents the francophone community? I don't know because I'm not familiar with them. Who decides how much their special funding is? Maybe they'll be unhappy with the situation. I don't know. There's nothing spelled out how much they get. Does my

money—if, say, my money goes to the OFA, is the \$150 going to the OFA or how much is going to the francophone community? It's not clear in the bill.

To say that you can process these forms without any cost, I guess in a light comment I would have to say, are they going to do that on their 10 days off? It costs money to process a form. It costs money to have that person sit there and process that form.

Mr Cleary: The other thing, would you care to comment a bit on the tribunal? Are you comfortable with the way that's going to be set up? Would you offer the committee some advice on the way you think it should be set up?

Mr Bolton: To be fair, the money can't come from the grandfather organizations. It would be seen to be biased, again, with members sitting on it. As in any deciding committee or a jury or maybe a judicial system chosen from the public, they would have to sit on that. I don't think it could be the grandfathered organizations through money or members.

1130

The other concern—they say the government's not spending any money on this tribunal. Who is going to pay for this tribunal? It's not said. It says the Lieutenant Governor will see that they and their staff are paid. So who is paying for that?

Mr Cleary: I take from your comments that you feel there should be some type of an appeal process?

Mr Bolton: Yes. I think with every decision, there's usually some method of appeal through the court or somewhere. There should be some kind of appeal process for people to turn to.

Mrs Fawcett: I thank you for coming. Just to follow up on the question on the registration forms that my colleague started, I think possibly one of the ideas was to get a handle on the numbers of farmers and the numbers of particular farmers in a commodity grouping and that maybe, when formulating policy, you could get more ideas from a larger group. More farmers would become aware of what is proposed and possibly then the ministry could formulate policy that is going to be better. Any comments on that? Rather than being absolutely specific and asking all kinds of questions, at least if you get a handle on the numbers, and you know who's who and who's in which kind of farming, then you could go from there.

Mr Bolton: A lot of the commodity boards and groups have all these numbers pertaining to their specific commodities and the OFA could obtain those numbers, or the government could obtain those numbers, for any one of those commodity groups.

Mrs Fawcett: I guess this was just possibly a way of centralizing that and getting it on this particular registration form and then having it central.

Mr Bolton: But to hand an individual—

Mrs Fawcett: And a complete update.

Mr Bolton: All pork sales are through the pork board, as an example, so I mean it's an easy number. It's available. If the OFA is the central gathering house, it's already there for its use already. What was the other part of your question? Was it basically the numbers and the number of farmers?

Mrs Fawcett: Just so that information could go out if a particular policy was being formulated to a wider number of people and a more up-to-date list.

Mr Bolton: When any legislation comes out, or programs, the OMAF extension branches are there for that purpose. They run ads in newspapers for informing farmers and if they're truly interested in that program, it's up to them to participate. There's usually lots of opportunity to do that.

The Chair: Mr Klopp, on a point of clarification.

Mr Klopp: Thank you very much. Your comments today were interesting. Just on a point of clarification with regard to the registration: It was always our intent—Elmer was very clear about that from day one—that he wanted a lot simpler snapshot form to know how many farmers are out there and give a very general but a very precise way to see information. That was always there. What maybe the confusion is, that is going to stay with the Ministry of Agriculture and Food. That stays there. What would go to the general farm organizations, where your cheque would be going to, is just your name and address, and maybe your telephone number. That wasn't something that came up in the last week or five weeks or whatever. That was always there.

With regard to the information, we didn't say it wasn't going to cost less. We didn't say we were going to spend any more money on this gathering of information. In fact, as you pointed out, we have many ways of asking for information in the ministry and whatever. My hope is that now we're going to be able to streamline some of that. Indeed, it will happen, because we're very conscious of government dollar spending. So I truly do believe that this is going to help us.

We also heard a comment that this is going to be the end-all and be-all of policy-setting. It is not. It's going to be a tool.

You mentioned the commodity boards. In fact, it even confuses commodity boards somewhat, because for example the federation says it represents 20,000 farmers and the corn association in all intensity says, "We're representing 20,000." If you add up all the groups that come in, you can have hundreds of thousands of farmers. There's a lot of overlap. So indeed it really is a better way to streamline that.

I just wanted to make that point clear, because there were no surprises. I'm sorry if it got out that way.

The Chair: Would you care to respond to that, Mr Bolton?

Mr Bolton: Is there anything in the regulations which can be changed that states that that's all the information those groups are going to get?

Mr Klopp: It's in the bill that the farm organizations will be getting your cheque to that organization of your choice, the GFO.

Mr Bolton: Could you specifically point that out in the act?

Mr Klopp: Section 20, I believe, and section 3. I haven't got my book right in front of me here.

The Chair: I remind the committee that we have a group of witnesses waiting in the audience who are scheduled to appear at 11:30. If some of these issues can be dealt with in the room somehow, we'd appreciate it.

Mr Klopp: Yes. Maybe counsel can—

Mr Bolton: I see the point you're mentioning, section 3, but something I would think that would overrule that is that the minister can use this information for prescribed purposes. If he decides that maybe more information is required by these groups, then he could change the regulation and provide that.

The Chair: Thank you, Mr Bolton. The parliamentary assistant and members of the ministry staff are here, and if you wish to further discuss that specific issue, they're certainly available for you to talk to them. Mr Stroeter is here, walking by, and I think if you have some questions, you may wish to speak to him as well.

The committee would like to thank you for taking the time to come this morning and present your views. They're important to the committee, and your views and yourself have played an important role in the process. We trust that you'll keep in touch with the committee as Bill 42 proceeds through its process, either through the clerk of the committee or any member of this committee or indeed your own MPP. Thank you very much for coming this morning.

BRUCE COUNTY FEDERATION OF AGRICULTURE

The Chair: The next scheduled witness is the Bruce County Federation of Agriculture. Good morning, gentlemen, and welcome. Could each of you identify yourselves for the purposes of Hansard, which is recording these proceedings, and then continue with your presentation. You've been allocated one half-hour, and the committee would appreciate about 15 minutes of that half-hour for questions and answers, if you can accommodate it.

Mr Thomas M. Sweiger: Tom Sweiger.

Mr Lloyd Graham: Lloyd Graham.

Mr Byron Monk: My name is Byron Monk and I'm the president of the Bruce County Federation of Agriculture.

Mr Robert A. Bregman: My name is Bob Bregman.

Mr Monk: I have some remarks that I'd like to make to the committee and I've brought some reinforcements with me here to help me out maybe with the questions. We're all OFA members in Bruce county. We're also involved with the Bruce County Federation of Agriculture, obviously, and we're all active participants in the farming industry in Bruce. I think we're all full-time farmers, and this issue is an important one to us. We'd like to thank you for the opportunity of being able to come down here and just make a few remarks about our feelings on this bill.

The county of Bruce has approximately 2,600 census farms and we would call half of those active commercial farms. In the county, we have approximately 900 OFA members. The county federation is affiliated with the OFA, but we are an autonomous group, so some of these questions about the 25% funding and that will have an impact on us and we can talk a little bit about them.

1140

My main message, on behalf of the directors of the county federation, is to tell the committee that we in Bruce do support Bill 42 in the form that it's being presented now, mainly because we've all been members of OFA for many years and we believe firmly in the benefit of having a strong and well-funded general farm organization. In this day and age, money's tight everywhere, and to do the job that a general farm organization must do requires adequate funding. There's no doubt about it, we are looking to this bill to help solve some of that problem.

The farmers are less than 2% of the general population now. My belief is that in this society most interest groups are organized to speak on behalf of their members, and I think it's important in agriculture, being such a small part of the population, that we have a strong, well-funded and unified voice to represent us on the issues of the day.

It's true we have commodity groups. They are more specifically focused to those issues that affect individual commodities, whereas I see the role of the general farm organization dealing with roles such as environment, taxation and financial issues that affect all farmers in every commodity. This is why historically groups such as the pork producers have made a financial contribution to the OFA, to partially compensate it for the work that OFA does on these general farm issues that the individual commodity boards in many cases don't feel they have the time, resources or maybe mandate to look after.

I would say that the farming business is a bit unique. I don't think there are many other sectors where we are organized in small production businesses, versus, say, retail or service, that in many cases are expected to basically compete on a worldwide scale. We know that farmers are organized in all countries of the world, and

it's important that we have a strong voice here in Ontario too. In Bruce county we see this bill as being a method to help us in that regard. I think it's important for farmers to look to the positive aspects of what can come out of this instead of looking for some of the minor details, maybe, that might suit us individually. Really, I think the time is to move forward as a strong unified farm voice, and this is the way of the future.

Just on the information-gathering part of the bill, I have to provide that much information to renew a subscription to a farm magazine. They want to know who it is they're serving and what are the topics that you're involved in and interested in. To my mind, the information-gathering aspect of the registration process is really not a major point. It's not a major inconvenience or a major cost to farm operators.

With those remarks, I'm sure it's clear to you that in Bruce county at the federation of agriculture level we do support this initiative to have this registration and the stable funding that goes with it. If there are any questions that myself or my colleagues can answer, maybe that would be most productive.

The Chair: Thank you very much. Before we start with questioning, I'd like to welcome the member for Chatham-Kent, Randy Hope, and the member for Perth, Karen Haslam, who are not regular members of this committee but obviously have interest in agricultural issues and are here with us this morning. We'll start with questions from the government caucus, Mr Hansen.

Mr Hansen: I was just up to Bruce county. I was at Bluewater feed mills, and I had the opportunity to be in that particular area, knowing I'd be on this committee. As different farmers were walking into the feed mill, I asked them the question whether they supported Bill 42. I talked to a couple of Christian Farmers members up there; quite a few had come in there. It may be just the particular area I was in, the Tara area, but I had no opposition. So I felt good coming to the committee, that I've covered a little bit of Ontario, that I had an opinion out on the street rather than just here at Queen's Park. To see people coming forward for and against gives you a good idea of what's out there, because I couldn't find any opposition in my particular area of Lincoln.

The thing is that businesses have been involved with OFA. Why would you say businesses have supported the OFA in the rural community?

Mr Monk: The reason for that is simply that these local businesses are servicing the agricultural needs. They are quite well aware that the health of the agricultural community and the rural economy is directly going to affect their wellbeing as well, and they obviously support the initiatives that OFA takes to enhance the rural economy. It's that simple.

We've developed at the OFA level a supporting membership category where, for a reduced membership,

not an active voting membership, these businesses can show their support, and we've had some good luck selling them. Simply, they are aware that there's room for a general farm organization or organizations to try and enhance the lot of rural Ontario.

Mr Hansen: So if businesses believe in it, then the small farm business of a farmer should be investing in his future. You would agree on that one?

Mr Monk: I agree on it and I have since the day I started farming, and my father has too. We've carried two memberships around our place and have been glad to do it. But some people don't and they have the option of opting out, I guess.

Mr Hansen: I'll go on to my other two colleagues so there's a chance.

The Chair: Ms Haslam, Mr Waters.

Mrs Karen Haslam (Perth): Basically the funding is for the OFA to be a lobby group. I'd like to know what your definition of a lobby group is and what you see the OFA doing in that area.

Mr Monk: Lobbying would obviously be one of the main roles of OFA. I'm not sure it's the only one, but to try and influence government policy in a way that's beneficial to our members and to try and be in a position to do that while policy is being developed, rather than reacting to it after it's already in place. An example of that might be the tax forces that went around the county this spring. The OFA did a lot of work on that, and we as an individual county made a presentation about the working paper and parts in it that we thought were of interest and could be detrimental to the way we carry on business. That, in my role, is the function of a lobby group.

Mr Waters: You brought up an interesting point about subscriptions to magazines, and the one comment I would have is that at least this information is protected under the Freedom of Information and Protection of Privacy Act, whereas the magazines frequently sell their lists. If you give them any information, they use it to make dollars.

I've heard a lot of comment about the tribunal, and I've just recently joined the committee. I hear the tribunal has a maximum of seven members appointed by the Lieutenant Governor in Council and there's concern about that. From your point of view, I would like to hear your comments.

Mr Monk: This is a tribunal to certify new GFOs or to rule on things like religious objection?

Mr Waters: This is the accreditation tribunal.

Mr Monk: I'll be frank with you. I haven't read the latest legislation. Basically we're here in support of our people in Toronto at OFA. Maybe I'm not as cynical as some, but I'm sure we can find people who can make an objective ruling on whether the rules that are set out for accreditation have been met or not.

Mr Waters: Okay then, let's move from that to the other tribunal that would deal with it. Do you have any concerns about who would sit on that or how they would be appointed to that?

Mr Monk: I guess everybody's scared that if you have people with something to gain on the tribunal, ie, members of the GFO, they're going to rule in their own favour. If the money's refundable anyway, what have they to gain? I'm sure we can find objective people again to make a ruling on someone's religious objection. In my view, that's primarily the Mennonite and Amish community. We can identify those people without any difficulty.

1150

Mr Waters: By the way, one of the things that this committee has changed my perspective of is, I really had a feeling that most of our farmers were 60 and over, and I'm glad to see some farmers out there my age and younger practising. So thank you for coming before the committee.

Mr Monk: I might as well say too that we've got a mix of age here, and we have that in our county federation as well. But we have a good, solid group of young farmers in my neighbourhood and in our county, and they're in agriculture with their eyes wide open, because they believe in it and think it's a good future for them. Many, many, many of them are OFA members at this time.

The Chair: Further questions? Mr Hansen, Mr Klopp.

Mr Klopp: On behalf of the minister, I'll just make a comment that we appreciate your taking the time to come in today to give your views. That's what this is all about. We will take them all into consideration when we go through clause-by-clause. Thank you.

Mr Offer: Thank you very much for your presentation. I have just one question that I would like to ask, and that deals with the flow of dollars. We're talking about a stable funding piece of legislation, and you're a local organization. I'd like to get your thoughts on this. I think that you were watching as I was bringing up this point a little earlier, but the legislation clearly indicates that the dollars flow to the government, are flowed back down to accredited GFOs, and, of course, if somebody wishes a refund, that's there also. But there is nothing in legislation that says that at least 25% of the revenue should be flowed to the local organization level.

As a local organization, I would like to get your thoughts as to whether you would like to see in legislative form, apart from whatever other criteria are necessary and will probably be found in regulation, that there be at least the 25% flow-through to the local organization, thereby giving to the local organizations stable funding, as well as everyone else.

Mr Monk: That was in the original—I guess it was Bill 105—that came out, and it wasn't in this one and we noticed that. But in our organization at least, we elect the leadership at our convention every year, and those people are elected from grass-roots organizations like ours from across Ontario. In effect, we do control the policy of the OFA from our grass-roots organizations. If we found that we weren't getting the deal that we thought we should have out of this stable funding bill, we could rectify that every November at our convention. It's as simple as that. I think it's an important point that we are a completely democratic, grass-roots organization. The leadership turns over—or doesn't necessarily turn over, but we have the opportunity to replace it completely each year if we thought that our local groups were not being well served.

Now, we had a meeting about this topic with the leadership. Roger came up into Grey and Bruce to talk to us about it, and he gave us his personal commitment that, yes, these dollars will be flowing back to enable us to carry on the programs that we do. In Grey and Bruce—I'm speaking primarily from Bruce, but we do run some of the more active federations in the province.

But that is my safeguard. I'm satisfied that we've always worked well in a partnership with our provincial organization, and I think we can resolve that among ourselves now. I don't know the political or legal reasons why that 25% isn't in there, but personally, I wouldn't take this whole process back to day one in order to put it in there. We can work with our parent organization quite satisfactorily, and we have the ultimate authority to make changes if we wish.

Mr Offer: Certainly, I asked the question. I have no problem or suspicions or whatever. I was just wondering, from your perspective as a local organization, whether you think that it could be put in, as it could be put in through amendment.

Mr Monk: As I say, I am willing to trust our parent organization, of which I have been a provincial director and I'm a member. We have regional directors from our county. We will work that out within our group. I think it's important that these groups have county organizations, but we're maybe almost too much grass-roots, to a fault sometimes. But we do control the parent organization quite effectively, I think, from the grass roots.

Mr Sweiger: I would just like to add that our townships at the county level have supported Bruce county very well financially. We've always got enough money to run our organization. We are a little bit concerned, but we do think that with stable funding we will be supported from the general farm organization. Our municipalities and our county are warning us that their tax dollars are only going so far and we may lose that, so we're hoping to get some support from our central organization.

Mr Cleary: Thank you, gentlemen, for your presentation. You had mentioned in your presentation where you had 2,600 census farms. How many members of the federation do you have?

Mr Monk: We have approximately 900 members in Bruce. We added about 150 last March in a concerted drive right in the middle of this whole debate, in one of the most successful membership drives we've ever had—the most successful we've ever had.

Mr Cleary: Do you feel that after this bill comes into place, you'll be able to increase your membership more?

Mr Monk: I'm hoping we will. The one thing that we have noticed is that we maintain an office with a secretary by the phone there all the time and we really have not had any negative feedback that I am aware of. Maybe they wouldn't come and talk to us. I know of one membership that's been cancelled over this issue. But Donna has had at least three people come in off the street thinking that the bill was already in place and wondering where they could register. If that's any indication—we're looking to pick up some members. We hope so.

Mr Cleary: So I take it that you gentlemen are happy with the draft registration form.

Mr Monk: I haven't seen it, but from what I've been told, if it's general information within blocks of numbers—"How many cattle do you have?"; "Between 50 and 100," whatever—I could live with it. I get a phone call every month, I think, from Stats Canada—I'm on their list or whatever—and they want to know how many acres and what's harvested and all the rest of it. I'm quite willing to share it with them. It doesn't matter to me. They always ask me at the end if they can share this with OMAF, and I say, "Go ahead."

Mr Cleary: Being there seems to be a little bit of a split in that part of Ontario in the agriculture community on this bill, are you concerned about that?

Mr Monk: It would be nicer if there wasn't, but I think the bill has accommodated those who can't possibly live with it. They can get their money out and carry on as ruggedly and free and unhampered as they want, I guess.

Mr Cleary: Do you have any advice to this committee on how we could overcome some of that?

Mr Monk: It's going to be up to the general farm organizations to overcome it, I think. We're trying to do as well as we can, but we're going to have to earn the trust of these people and try and bring them into the fold the same as we do every year now. We do a membership drive every year and we have to convince these people that, yes, their \$150 would be well spent and they should be supporting us. It'll be up to the farmers and these GFOs to bring those people in. There are philosophical differences among some that will

never be resolved, but as to the rest, we do the best we can to try and meet their needs, I guess.

The Chair: Mr Villeneuve and Mr Murdoch.

Mr Villeneuve: To the Bruce county federation representatives, thank you for being here.

Firstly, we hear from your area that many, many farmers were not supportive of the march on Parliament Hill in February 1992. Was your federation supportive of that demonstration regarding article XI GATT negotiations etc?

1200

Mr Monk: Yes, I think it was very successful. We collaborated with our sister county, Grey. We had 11 busloads we put together and there were some other individuals who drove down.

The important thing I'd like to raise about that rally is that without us ever asking or advertising for funds, \$11,000 in donations came into the county office to help pay for those buses, and that came primarily from businesses. Some individuals who wanted to go but couldn't would offer to pay the \$40 or whatever it cost for an individual to go in their place. It was very, very successful. In fact, we ran a little campaign in one of the local stores for the businesses in that main street to shut down for an hour in support of the rally on that day. We ran out of signs, and they were after us: "Where's my sign? I want to be part of this too." It was the most successful public relations and, basically, spirit-booster we've ever run in the federation, but there was widespread support for that in Bruce.

Mr Villeneuve: I was there from my area, Stormont county, and very, very strong support, but I realize that Stormont county is very much supply-management oriented, dairy and feather. Your area is probably a lot more diversified. Of course, we know that what's good for farmer A down the road is probably exactly the opposite to farmer B, and therein is the dichotomy of agriculture that we must face.

Were you aware that the Ontario Chamber of Commerce was here making a presentation against this bill?

Mr Monk: I had heard that, yes.

Mr Villeneuve: Does that surprise you? You've just told us that businesses in your area, of all areas, were very supportive of the demonstration.

Mr Monk: Well, it might hark back to those philosophical differences I talked about. I don't know how well they're in touch with their grass-roots members. They wouldn't have got a whole lot of votes for that in a rural area, I don't think.

Mr Graham: I personally asked for money for the trips from different businessmen and I was not turned down by anybody. I also got a phone call from a lady from Huron county, a retired lady, wanting to donate money to support farming; I told her where to send the money, because Huron county should support Huron

county. There was nobody we knew of who did not support us financially.

Mr Villeneuve: Thank you. I'll yield to my colleague.

Mr Murdoch: Thank you very much. Welcome, guys, it's nice to see you down here, and I hope you'll see everybody you see here today up at the ploughing match in a little while.

The Chair: Only if the Bruce county federation is prepared to guarantee dry weather.

Mr Murdoch: Oh, I'm sure they will because, as you heard the Bruce county federation say, they work a lot with Grey county and we get along quite well up there. We want to point that out.

We've been criticized here, though, as government for not taking a vote. I just want to know what you think about that whole thing that's been talked about.

Mr Monk: The bill, the way it's presented now, I don't think requires a vote. Our simple answer is, if you can't live with it, take your money out.

Mr Murdoch: I just wanted to get that on the record. The one other thing is item 30 that says the minister "may" take a review of this in three years, and certainly we're talking about changing that to "shall" take a review. Would you be more in favour that there should be a review of it in three years than just saying "may"?

Mr Monk: So this review would encompass the entire legislation?

Mr Murdoch: Well, I guess what we'd do is probably that if the minister did it, he may have a committee something like this set up to review people to see what they think about it. He could do it in many different ways, but it would be a committee like this to review the whole legislation to see whether it's been working in three years.

The way it's left now it just says "may," and there's been talk about saying this "shall" be done because "may" leaves it open. If the minister decides he doesn't want to do that, whoever it may be, he wouldn't have to, but if you change it to "shall," then whoever the minister happens to be will have to see that there's a review done in three years.

Mr Sweiger: If the minister has got the money at that time to support a review, go ahead. It's public money, eh? "Shall" means you have to, right? It doesn't matter.

The Chair: Sir, you have a response?

Mr Bregman: Yes. I would like to talk to Mr Murdoch. We're going to have to prove that this thing's going to work, that the "may" or the "shall" will not even come into play, that it will just continue as it is. I'm very confident that we can do that with the support that we have now from our local chamber of commerce,

whatever you call it, Main Street, and I'm very confident we can do that.

Mr Monk: Just on that point, I think I could live with there "may" be a review, because I don't think there needs to be a review unless there's a real backlash or a lobby effort or whatever you want from the farm community, the people who are primarily affected. If the minister or members such as yourselves were getting a lot of requests to have something changed or have the system reviewed, then the minister probably should, under those circumstances, review it. If the system's working fine and things are going along just great, then probably a review wouldn't be required. I don't know why it would.

The Chair: Thank you, Mr Murdoch. I'd like to thank the Bruce County Federation of Agriculture and each of you individually for taking the time to appear here this morning. The views of the Bruce county federation are important to this committee, and we appreciate each of you coming to so effectively articulate those views.

I hope you'll stay in touch with the committee as the bill proceeds through the process, either through the clerk, any member of this committee or your sitting MPP.

Again, on behalf of the committee, thank you very much for appearing this morning.

Mr Monk: Thanks very much. As Bill has said, you're aware that the international ploughing match is coming up in Bruce from September 21 to 25. It's going to be the greatest outdoor show in the country and we would just love to have all of you there, so thank you very much.

The Chair: I had the opportunity to see the ploughing match site this year and I notice it's on a hill, so the water is not going to be a problem, I don't think.

Mr Monk: It's good, well-drained land there, so we're all set.

The Chair: I'd encourage everyone to indeed do that, to visit Walkerton and the international ploughing match, September 21 to 25.

Thank you very much, gentlemen. We are recessed until 2 pm.

The committee recessed from 1207 to 1403.

JOHN AND ELIZABETH DRUDGE

The Chair: Could we call the committee to order.

The first witnesses scheduled to appear this afternoon are John Drudge and Elizabeth Drudge, if they could come forward, please. If you could have a seat, each of you behind a microphone. Good afternoon and welcome. You have one half-hour for your presentation to the committee. The committee would like about 15 minutes of that half-hour, if it's possible, for questions and answers. I will remind committee members that

they have a written submission in front of them as well, and I will also remind committee members that on August 24 a submission from John Drudge was marked as an exhibit of the committee and it's on its way here from the clerk's office. If you could proceed and introduce yourselves for the purposes of Hansard.

Mr John Drudge: I'm John Drudge. My wife, Elizabeth, is with me, and our son Roger, one of our three sons. I'm a farmer in Huron county and also bishop and leader of the Mount Zion Mennonite Church. In our Mennonite tradition, we ministers are self-supporting, so that's why I'm a farmer.

On August 24 we submitted a letter to this hearing and after that date I saw a copy of Mr Buchanan's presentation, which took place on August 23. I felt that he incorrectly presented the feelings of the Mennonite and Amish communities, and I'd just like to quote that statement from his presentation which concerned me. He said:

"We have worked with Mennonite community leaders to alleviate their concerns regarding registration and providing funding to farm organizations. As a result, Bill 42 includes a provision that allows Mennonites and other religious objectors to apply to an independent accreditation board for an exemption from sending a cheque to the ministry. The executive director of the Mennonite Central Committee has stated that his community does not object to providing government with information, nor with being assigned a registration number."

I looked back through my files on some of the minutes of the meetings that were held with Mennonite leaders, some with OMAF and MCC and others. I'd like to make some quotations. You may have a copy there numbered 2. It's a meeting in Kitchener on May 14, 1992. In all of these quotations, I'd like to point out we do have a concern about that registration. We don't want to be registered. I hope that will come out as we look at these quotations.

Okay, in this report of the meeting, number 2, under section A, the registration number.

"This topic was discussed at length. It seems we do not know yet if the farmer registration number will be compulsory or if there will exemptions. If registration is not compulsory, we are faced with deciding if we want to forgo the property tax rebate or to register to get it. Some of us get the property tax rebate now and some do not. We felt that we would rather not get the property tax rebate than allow ourselves to be registered."

Down at the bottom of the page, the conclusions were:

"We are not opposed to paying the \$150 a year." In other words, it's not the amount of money that concerns us.

"We are not opposed to being assigned a number."

We have numbers for other matters and issues.

"We are not opposed to being registered as farmers," because we're now registered as taxpayers and property owners and so on.

But:

"We are opposed to supporting a lobby group.

"We are opposed to membership in a lobby group.

"We are opposed to registering if this number makes us a part of a larger movement that supports lobbying or if it is needed to take part in farm assistance programs."

I have with me a few clippings. One's the report of a meeting which I attended in a local community hall. A point was brought up there, what started this stable funding idea in the first place? Reading from this clipping:

"The CFFO policy director surprised the audience when he said, 'Bill 42 is a proposal of the GFOs, not OMAF. The ministry,' Mr van Donkersgoed said, 'put forward the stable funding proposal because it is what the GFOs wanted.'"

So our feeling as Mennonites is we don't want to be registered because it is a proposal of the lobbying groups.

Another newspaper clipping which might clarify my point, "The number one benefit you get from being an OFA member is that you are supporting an organization that fights the government." Again, I say that's what we as Mennonites do not want to support or be a part of or be linked to in any way.

I go on to another report. It's numbered 5. It's a report of the meeting at MCC in Kitchener again on July 30, 1992, the section which we've marked A:

"After introductions we explained our concerns about registering and about the fees.

"Norris insisted that registration merely identifies us as farmers. It does not imply that we are identified as taking part in social assistance. We insisted that as long as the government is saying they will withhold farm assistance programs if we do not register, they are implying that registration and social assistance are linked."

1410

I guess that was all for that quote. I'll go on to the next report, number 6, the report of a meeting held at Martins Mennonite Meetinghouse on Thursday, January 24, 1993. Several things were discussed. It's item 2 that we want and that's on the back side of the page, farmer registration and stable funding. There's one paragraph there marked A:

"After some debate it was decided, because we do not know today what form or shape the legislation will take, the MCC should remind the Agriculture minister of our stated position:

"(1) If we may choose not to register but then not be

eligible for any farm assistance programs, including the property tax rebate, we are satisfied.

"(2) If we must register, and this registration is in any way connected with farm assistance or the support of farm lobby groups, we request special numbers to indicate that we have no part in either one. We also suggest to direct our fees to a charity rather than to the corporation."

Particularly pointing out there in number (1) that even though we would be denied the property tax rebate, we'd rather take that route than to register.

There's one more report of a meeting, numbered 7, on the back side of that report. It was a meeting held in Kitchener on April 5, 1993, paragraph A. We had mentioned several concerns.

"The second one"—of these concerns—"is now the main one. A part of a statement in the notes of the May 14, 1992, meeting at MCC was read: 'We are opposed to registering if this number...is needed to take part in farm assistance programs.' Our reason for being opposed to this is that such a registration system would become a list of people involved in government assistance. We do not want to be on that list. If we register along with the farm public, we will leave the impression of possibly having done so in order to get such assistance. This is similar to the position we took on the Canada pension plan issue. We desire to be people who take care of our own needs, without the aid of worldly society and government. The act of requesting a refund of money paid to or through a government is questionable in itself, to some of us."

Paragraph B is discussions on possible solutions.

"Ms Burak said they need to go back and try to make some changes to solve our concerns about registration. Her first suggestion was to allow us to present our position to a tribunal after filing a registration form without a cheque. We showed her how that would not solve the question of registering under a scheme involving assistance programs. We offered to fill out the census information and be registered under a number system that does not allow us to take part in their handouts. We do not want to oppose the government unnecessarily. Mr Sherman suggested the idea of including a note with our registration forms, asking to be assigned a number under a separate scheme. We weren't sure we like the idea of" even "asking for a number."

Down to paragraph C.

"A system like the Canada pension plan exemption numbering arrangement is seen as a compromise: We would prefer not having to be registered or involved at all. If no changes are made to the latest proposals, many of us will not register. This would not be to protest against government, but to keep our consciences free. We do not want to be numbered along with the general

farm population under this scheme, even if the government took it into its hands and assigned numbers to us."

Possibly one of the strongest feelings we have here today as Mennonites is the fear of being registered or the desire to escape that so that we're not part in any way of a structure that is geared or designed or was originally proposed as having to do with lobbying against the government. I guess supporting the government has been a strong part of our faith and our Mennonite tradition. When we take members into our congregations, we go through what we call the 18 articles of our faith and we carefully instruct each one. Those 18 articles range all the way from the truth of the creation of the earth all the way to final judgement and resurrection.

One of those articles is about civil government. We teach our people that government is instituted by God and that the government is to be respected and obeyed and honoured. We teach our people to obey the laws, to stop at the stop signs, to wear their seatbelts and everything from one end to the other.

At the same time, we also believe in our church that the church institution or organization is an entirely different one from civil government. So as Mennonites, we do not run for office; we do not vote; we do not lobby the government. We do not want to tell them what to do, how to make laws or not make laws. But one thing we do, we pray for them. We pray that the members of government might be men and women of honesty and integrity and that they might make and maintain laws to keep this country such a place that we can live our faith.

In our Mennonite history, there have been many times in the last 300 or 400 years that Mennonites have either packed all their belongings and moved to another country to maintain religious freedom or in some cases left it all behind. My ancestors came to Canada for that one reason, that search of a place where they could have religious freedom, and we're thankful that we've had it.

It's a strong feeling with us of both supporting the government and trying to obey the laws, yet not being a part of it as far as trying to lobby against it or oppose it in any way. We want to obey the laws. It puts us in a rather difficult position if legislation is in the making to bring about laws that we cannot obey. What am I to tell my people then? Am I to say, "Obey these laws but don't obey those"? It puts us in a difficult position. So we pray that we can continue to have a country with laws that allow us to live our faith.

The present legislation, as we understand it, does not alleviate our concerns and does not satisfy our needs.

I would like to thank you for this privilege of making this presentation, especially on such short notice. Mennonites are kind of shy, yet we're thankful for this privilege to communicate with you how we feel.

Mr Offer: Thank you very much for your presentation. We have a short period of time available to us and tomorrow we're going to be moving into the clause-by-clause analysis of the bill. What is it that should be in the bill that would address your concerns? What I'm hearing you say is that the objection is broader than I certainly had earlier appreciated; that is, your objection is based on the fact that you do not wish to be registered if that is a precondition to a government program. Basically, you feel, and I don't want to put words in your mouth, that if you make a declaration of some kind, that should exempt you from the registration but still entitle you, if you wish, to a government program.

Mr Drudge: It's hard to say. Some of us have received that tax rebate because we felt it was money that we had paid in.

Mr Offer: Of course.

Mr Drudge: Naturally, it would be a lot easier on the farmer if we could keep on getting that tax rebate.

Mr Offer: I'm just struggling a little bit with this. Right now, there are provisions under the bill where you could ostensibly go before a tribunal to make a religious objection. That religious objection would exempt you from providing a cheque to the farm organization but would not exempt you from the fact of registration.

Mr Drudge: Right.

Mr Offer: Are you saying that the provisions of the bill are not sufficient to meet the matters that you've brought forward?

1420

Mr Drudge: I would say that is correct. If the provisions of the bill would exempt us from registration, I think we'd feel a lot more comfortable.

Mr Offer: Would you be prepared to go before a tribunal, as indicated, if that were also expanded? If the bill were expanded to exempt you from registration and the provision of a cheque, would there be an objection to go before a tribunal to make that objection, or should there be something less onerous required of you? Or is a mere declaration sufficient?

Mr Drudge: Would you care to answer? Have you any thoughts on that?

Mrs Elizabeth Drudge: Hasn't it been the feeling all along that the tribunal did not meet our needs? Because if we still had to register, it's the registration we want to avoid. So the tribunal didn't meet our needs.

Mrs Fawcett: Can I just get clarification? You did say on the bottom of the one report there, "We are not opposed to being registered as farmers." But it's the whole attachment, then, of that registration to a program. So it is not really sufficient that even though you are registered—if you registered as farmers and you were able to take advantage of the programs but if you chose not to take advantage of those programs, that doesn't satisfy?

Mr Drudge: Just restate that again.

Mrs Fawcett: All right. If you register, that does qualify, if you choose to get your farm tax rebate. Then if you don't choose to take part in any of the other programs, then you just don't bother applying. Does that not satisfy what you require in the bill?

Mr Drudge: That does not satisfy because we object to registration under this—

Mrs Fawcett: The attachments that are there.

Mr Drudge: Right. The statement at the bottom of that page that says we do not oppose being assigned numbers or to register as farmers—someone was saying that in a totally different context, not having to do with Bill 42. We're registered at birth; we have numbers to ship hogs. That was saying it's not that idea alone that bothers us. I'm saying today that registration having to do with Bill 42 and this whole idea of support does bother us.

Mrs Fawcett: I see.

The Chair: Very, very quickly, Mr Cleary.

Mr Cleary: Thank you for presenting the brief to us. I know that this has been a concern to some of us in this committee for some time now, even when the bill came up in the House, how it would affect you people. I'm really pleased—I know the Chairman is watching me here—that you took the opportunity to come and give to us first hand the way you feel. I think this is very important to us when we go through the bill tomorrow. I thank you for that.

The Chair: Mr Villeneuve and Mr Murdoch.

Mr Villeneuve: Thank you very much for clarifying the situation. I read from your presentation—and I believe it says:

"(B) Conclusion:

"We are not opposed to paying the \$150 a year.

"We are not opposed to being assigned a number.

"We are not opposed to being registered as farmers."

But you are opposed to supporting a lobby group, you are opposed to membership in a lobby group and you're opposed to registering if this number makes you part of a larger movement.

At this stage of the game, I don't think this legislation has enough flexibility to have you registered but not be part of a GFO, and I think therein is your problem. Is that right?

Mr Drudge: No.

Mr Villeneuve: You don't mind being registered as long as you don't belong to a lobby group who would be considered to be the Christian Farmers or the OFA.

Mr Drudge: The first three lines didn't expand enough. What we mean is, we do oppose paying \$150 or any amount to support GFOs. We are opposed to being assigned a number having to do with this whole

structure. We are opposed to registering as farmers under this system of the lobby idea.

Mr Villeneuve: I'm glad you clarified that.

Mr Drudge: It needs clarification. It was so brief.

Mr Villeneuve: Because that certainly led me down the wrong path.

Mrs Drudge: What it means here is that in other situations—it's not that we're opposed to paying our taxes. If this was \$150 tax, we'd pay it. We're not opposed to being assigned numbers. We have numbers for shipping hogs. We have numbers having to do with our farm which do not conflict with our faith. We're not opposed to being registered as farmers because on our tax bill, we're registered as being a farmer in Howick township. These do not conflict with our faith. But in this particular situation, this money, this number, this registration conflicts with our faith, all the way from the beginning. Bill 42 conflicts with our faith, period.

Mr Villeneuve: Therefore, with the group of seven, if you will, that will be operating the appeal process, and their exact definition escapes me, would have to be fully aware of what you've just told us today, because as I read this, I was very badly misled and I'm very, very pleased that you came here and explained that.

You do not mind being registered with the government as farmers providing that it stops right there. What this does is it registers you with the government but makes you part of a GFO, a general farm organization, be it Christian Farmers or OFA at present, and this may be expanded in future. You cannot accept that, and I have no problem with that. But we've got a dilemma here that you want to be registered to qualify for what's available to you—

Mrs Drudge: No.

Mr Villeneuve: No, but farm tax rebate.

Mr Drudge: There's a quotation somewhere, if we would have the choice of either registering or not registering, and let's say the penalty for not registering is to lose your farm tax rebate, we'll take that choice.

Mr Villeneuve: You will not register.

Mr Drudge: Correct.

Mr Villeneuve: What you would like to be is recognized as farmers not registered anywhere, and your tax rebate, which is a tax you've already paid, would be reimbursed.

Mr Drudge: I'm sure we don't care if we're registered as farmers or not. It would be nice to have the tax rebate because every dollar counts on the farm, but I guess our principles of believing that we don't want to have one thing to do with being registered with a structure that is lobbying the government is stronger than anything else.

Mr Villeneuve: I think I'm starting to understand. Thank you.

Mr Murdoch: Just quickly to follow through with Noble, I understand that's the way this bill is, though. The bill's really in two parts. One is the registration, which is not any different than if you apply for the farm tax rebate. The other part is if you want to belong to the GFO your money stays there. If you don't want to belong, your money comes back to you. Then you're not any part of any organization that's lobbying the government. The first part is, all you are is you register. You fill out the forms. Correct me if I'm wrong, but that's the way I thought this bill was.

Mr Klopp: That's our intent, yes.

Mr Murdoch: I would think there'd be some latitude to work with you on that. Maybe it's the part that it's a bill that's saying you have to register that bothers the faith. Is that the part? Because you do register when you file for your tax rebate. The form won't be much different and the registration, as I believe it, goes to the government. All the GFOs get is your name, your address and your phone number, but you don't want that so that's fine; you can request that back. I think you're covered, but I may be missing something.

1430

The Chair: Do you have a response for Mr Murdoch?

Mr Drudge: We're not here to get our farm tax rebate. That's secondary.

Mr Murdoch: I understand that.

Mr Drudge: It was said so well in one of these quotations, if I could just find it. The implication that registration and social assistance are linked, that we're very wary of social assistance. Evidently it gets to the point, or it will possibly, where you have to be registered to get your rebate and then it starts to look too much like social assistance, where we've been taught to take care of our own and do our own work.

Mr Murdoch: I don't think the intent of the bill was—

The Chair: Thank you, Mr Murdoch. Mr Hansen, Mr Waters.

Mr Hansen: On our briefing at the very beginning, from the ministry, I understood with the Mennonite and Amish communities that the central committee had agreed to the point that you would not be paying the \$150, that you would be going to the tribunal to receive a number only, so that would not require you to join a farm organization. I have to take a look at the date. This is May 14, 1992, which was actually Bill 105.

Mr Drudge: Yes.

Mr Hansen: So when I read this last sentence down here, "We are opposed to registering if"—now, the if—"if this number makes us a part of a larger movement." It does not become a part of a larger movement because you've already bypassed that you wouldn't be joining

any one of the farm organizations, but would only be getting a number for your farm that maybe, possibly—you talk about social assistance—it'll be that number you'll require in order to go into a farm implement dealer to buy a piece of equipment, which you wouldn't pay Ontario sales tax of 8%. So you couldn't call that social assistance because it's like a business tax, that 8%, for someone who's not using it for farm use. I'd like the ministry to maybe explain this a little bit more in detail because this is the idea that I have.

The other thing is that I know, being Lutheran, there are seven different types of Lutherans in Ontario and I think there are 38 different sects of Mennonites in Ontario, depending on who the minister was talking to to get different versions from different sects of the Mennonite community. Is that a possibility?

Mr Drudge: That's a possibility.

Mr Hansen: Do you agree with what I said there on that sentence, registering is only with the government with that number? That number would not go down to the farm organizations. Not only that, at that point, with the tribunal there, because they were going to deal with a central committee, they wouldn't be getting your phone number or your address because you wouldn't be part of the larger group. I'm not trying to twist words, I'm just trying to take a look at a clarification in that particular sentence because this to me is a little bit different than what's actually in the legislation.

Mrs Drudge: On page 7 is the report of the meeting at the Mennonite Central Committee which you quoted. You felt the MCC had given you the thought that Mennonites were satisfied. This is why my husband brought these notes of the MCC meetings, to prove that the Mennonites are not satisfied and that these minutes, (a), (b) and (c) of page 7, show that the Mennonites are not happy with Bill 42.

Mr Hansen: They wouldn't be happy with Bill 42, depending on how you read that last sentence, because if you thought you were part of the general farm organization, you'd say, "No, we don't want to be part of that larger group." It depends on how you read the legislation, whether you would be involved in these farm organizations. Maybe just some clarification quickly from the minister to wind up saying that when you go to the tribunal, this information wouldn't be going on to the farm organizations. You're only dealing with that form with the government, with the registration number.

The Chair: Mr Klopp, do you wish to add anything? You have about 30 seconds.

Mr Klopp: Other than it's been pointed out there have been many discussions that the minister's had with this particular issue because it has been very important to all of us. It was something that I personally talked about, going back about eight years ago, when it was

talked to me about trying to come up with some kind of stable funding. I very much felt that there is a community that needs to make sure we deal with it.

Your comments today and then last week that you wrote in, we are taking them under advisement and tomorrow when we go through the clause-by-clause, on Wednesday, we certainly hope that we can address the issues you're talking about as fairly and equitably as possible. I thank you very much for coming here today, knowing that it is—as you pointed out. I really do appreciate you taking the time today to come forward and air your views. Thank you very much.

Mr Offer: Mr Chair, on a point of order: With respect to this presentation, I believe this to be a point of order. I believe the deputants have said today that the opposition which they have to Bill 42 is not just the writing of a cheque but rather the fact that they would have to apply for a registration number as a precondition to obtaining the property tax rebate to be part of that program. I think it's been clear that is what they've said.

My point of order is that we are in the afternoon just prior to the day of clause-by-clause. We have a difficulty, and this is the problem that I have as my point: how is it that—we will require some strong representation from the ministry because what I'm hearing here is that if Bill 42 passes in this form, there is a community which will be, by virtue of their religious beliefs, excluded from a government program.

I would hope that, on the basis of the presentation we've heard today, there be a meeting of the minds before we move on and potentially pass a piece of legislation into law which carries with it a significant flaw.

The Chair: Mr Offer, that is not a point of order. However, it's an excellent point of information.

Mr Offer: It was close.

The Chair: I trust the ministry listened closely to your advice. John, Elizabeth and son, Roger, it was a pleasure having you before the committee this afternoon. We appreciate you taking the time and I think I speak of the entire committee. It was indeed enlightening to hear your clarification of the points that you originally, I think, submitted on August 24. Thank you very much for taking the time to be here this afternoon.

UNION DES CULTIVATEURS FRANCO-ONTARIENS

The Chair: The next scheduled presenters are the Union des cultivateurs franco-ontariens, if they could come forward. Good afternoon, gentlemen, and welcome. If you could identify yourselves for the purposes of Hansard and then proceed with your presentation. You have been allocated one half-hour to make that presentation and the committee would appreciate at least 15 minutes of that for questions and answers. There are simultaneous translation devices provided. I'm not sure

what channel that's on.

Interjection: One.

The Chair: It's on channel one, and you can proceed at your leisure.

M. André Chabot : Mesdames, messieurs, bonjour. Je me présente: Je suis André Chabot, producteur laitier et également président général de l'Union des cultivateurs franco-ontariens. La raison d'être de notre présence ici aujourd'hui est pour vous dire, dans un premier temps, qui est l'Union des cultivateurs franco-ontariens ; dans un deuxième temps, pourquoi nous appuyons le projet de loi 42 prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles ; et troisièmement, pourquoi nous avons demandé au gouvernement de reconnaître les francophones d'une façon tout à fait spéciale dans la Loi, articles 11 à 19.

Premièrement, qui est l'Union des cultivateurs franco-ontariens ? L'Union des cultivateurs franco-ontariens fut fondée en 1929 lors d'un congrès de l'Association canadienne-française d'éducation de l'Ontario, l'ancêtre de l'ACFO. Elle est incorporée à titre d'organisme à but non lucratif depuis 1945 selon la loi de l'Ontario. Depuis, elle a bien servi les intérêts des agriculteurs franco-ontariens sans interruption et à ce titre elle est la doyenne des organismes agricoles généraux de l'Ontario.

1440

L'Union des cultivateurs franco-ontariens est un organisme totalement indépendant qui n'est imputable qu'à ses membres, même si elle est spirituellement affiliée d'une part à l'Association canadienne-française de l'Ontario et d'autre part à l'Ontario Federation of Agriculture. À titre d'affiliée de ces deux organismes, elle siège avec droit de vote sur le bureau des gouverneurs dans ces deux organismes et entretient avec eux des relations de communication privilégiées. Cependant, l'Union ne retire aucun avantage financier de ces deux affiliations, et il doit en être ainsi pour que l'Union puisse demeurer un organisme totalement indépendant qui n'est imputable qu'à ses membres.

L'Union des cultivateurs franco-ontariens est un mouvement voué à la défense et à la promotion des intérêts économiques et socioculturels de tous les agriculteurs franco-ontariens. Elle se préoccupe tout particulièrement des intérêts de la ferme familiale en tant qu'entité traditionnelle où s'entremêlent dans le quotidien les activités culturelles et économiques de ceux qui oeuvrent dans le secteur de la production agricole et dans le développement des collectivités rurales. Notre langue de travail est le français.

Nos objectifs :

- regrouper les agriculteurs franco-ontariens, ce qui comprend tous les hommes et toutes les femmes qui participent directement aux travaux de l'entreprise

agricole, les professionnels et techniciens agricoles et les étudiants en agriculture ;

- informer la communauté agricole franco-ontarienne en général à fin qu'elle soit en mesure de faire valoir ses intérêts ;

- défendre les intérêts de la collectivité agricole franco-ontarienne lorsque des actions communes s'imposent ;

- appuyer les institutions et groupements qui favorisent le développement de la communauté agricole franco-ontarienne ;

- développer l'économie des régions agricoles franco-ontariennes.

Au cours des années, nos préoccupations sont demeurées essentiellement les mêmes et elles sont les suivantes :

(A) l'éducation, et plus particulièrement la formation professionnelle en agriculture. Dès 1929, à sa toute première assemblée annuelle, l'Union réclamait par voie de résolution un collège d'agriculture francophone. Ce grand rêve se réalisa en 1981 avec la création du Collège d'Alfred. Aujourd'hui, l'Union veille avec beaucoup de vigilance sur ce collège. Elle en fait la promotion et travaille en partenariat très étroit avec cette institution pour s'assurer que tous les agriculteurs francophones en bénéficient au maximum, surtout en ce qui a trait au cours d'éducation permanente.

(B) la prestation de services en français aux agriculteurs francophones. Tout au long de ses 64 années d'existence, l'Union a travaillé d'arrache-pied pour s'assurer que les agriculteurs franco-ontariens puissent obtenir dans leur langue des services comparables à ceux qu'obtiennent leurs collègues anglophones. Aux yeux de l'Union, il s'agit là non seulement d'une question de justice mais aussi d'une question pratique d'efficacité et de développement. Pour de nombreux agriculteurs francophones, l'information qui ne leur parvient pas dans leur langue ne vaut rien car ils ne comprennent tout simplement pas. Or, on sait aujourd'hui que les agriculteurs mal informés coûtent très cher à la société.

Dans les années 30, 40 et 50, l'Union des cultivateurs s'est battue pour que les gouvernements nomment des agronomes bilingues dans les régions où il y avait des agriculteurs francophones. Dans les années 60 et 70, l'Union a elle-même fourni cette information en français en organisant de nombreux cours d'éducation permanente dans les collectivités rurales francophones.

Depuis la proclamation, en 1986, de la Loi sur les services en français, l'Union s'est fait le chien de garde de la mise en oeuvre de la Loi et a travaillé positivement et en partenariat avec les gouvernements pour s'assurer que les agriculteurs et les gens du milieu rural obtiennent efficacement les services prévus par la Loi. Il reste encore beaucoup à faire à ce chapitre.

Par ailleurs, l'Union donne depuis 1983 aux agriculteurs et à toute la population francophone de l'Ontario son unique revue agricole entièrement en français. Tirée à près de 6000 copies 22 fois par année, Agricom est distribuée dans 143 villes et villages de l'Ontario, de Hearst à Windsor. Cette revue agricole est devenue un outil indispensable de développement professionnel et de développement communautaire.

(C) le développement économique communautaire. Depuis sa fondation, l'Union a oeuvré d'une façon toute spéciale dans le domaine du développement économique communautaire en utilisant en particulier la doctrine coopérative. Dans les années 30, 40 et 50, elle a formé, dans presque chaque paroisse francophone, des cercles d'étude coopératifs qui ont débouché sur la création de nombreuses caisses populaires et coopératives agricoles en milieu rural.

Aujourd'hui, ces institutions coopératives ont des chiffres d'affaires qui totalisent plusieurs centaines de millions de dollars, et les emplois qui sont ainsi créés en milieu rural se comptent par milliers. Ces coopératives ont fourni une base économique stable à de nombreuses collectivités rurales.

En 1988, dans le cadre d'une expérience assez unique en Ontario (le Sommet socio-économique de Prescott et Russell), l'Union des cultivateurs, avec quelques partenaires, a doté cette région d'un plan stratégique de développement de son secteur agricole et rural. Ce fut une première en Ontario.

La mise en oeuvre de ce plan a donné lieu, entre autres, à la création de groupements de gestion agricole. Cette formule, qui a fait ses preuves au Québec depuis 20 ans, est maintenant implantée dans trois comtés ontariens : Prescott, Russell et Timiskaming. Dans les trois cas, c'est l'Union des cultivateurs qui en a réalisé l'implantation.

Les groupements de gestion agricoles sont essentiellement des coopératives de 40 agriculteurs qui se regroupent pour s'échanger des connaissances et des conseils en gestion agricole. Un spécialiste en gestion agricole est embauché à temps plein par le groupe pour coordonner les activités et donner aux producteurs, chacun selon ses besoins, des conseils professionnels.

(D) Nous avons également oeuvré dans le développement d'un environnement socio-économique propice au maintien d'une collectivité agricole franco-ontarienne forte et viable. Au cours de son histoire, l'Union s'est toujours préoccupée de tout ce qui affecte l'environnement socio-économique et la rentabilité des fermes. Par conséquent, tout récemment encore, elle s'est penchée sur des questions d'aménagement du territoire, d'utilisation du sol, ainsi que sur les questions de financement agricole. Elle a aussi été très active dans le domaine de la sensibilisation des Ontariens à la chose agricole. L'an dernier, l'Union a siégé sur de nombreux comités consultatifs établis par le gouvernement et a fait des

représentations et présenté des mémoires à plusieurs autres.

Il nous apparaît clairement que nous sommes le principal porte-parole des agriculteurs franco-ontariens et, de plus en plus, de tout le monde rural franco-ontarien.

1450

Pourquoi appuyons-nous le projet de loi 42 ? Vous ayant expliqué qui nous sommes et l'ampleur de notre oeuvre au cours des 64 années, ils nous est maintenant facile de vous répondre pourquoi nous appuyons le projet de loi 42.

Je pense que vous en conviendrez avec nous que nous rendons à l'ensemble de la collectivité agricole franco-ontarienne des services essentiels qui sont hautement appréciés par une certaine élite d'agriculteurs qui ont eu la chance d'apprendre et de découvrir qu'une Loi sur les services en français ne donne pas automatiquement des services en français, et qu'on ne peut pas continuer à donner un journal agricole de qualité sans un soutien financier quelconque.

Cependant, pour de nombreuses raisons historiques, cette élite est trop petite pour prendre totalement à sa charge l'entier fardeau financier des services que nous rendons à toute la population. L'ensemble de la collectivité agricole franco-ontarienne doit être amenée, elle aussi, à comprendre qu'elle doit participer à payer pour les services rendus par les organisations agricoles, et nous pensons que le bill 42 est un excellent compromis en ce sens. D'une part, il encourage fortement les agriculteurs à poser le geste de faire un chèque, et d'autre part, il permet à tout agriculteur qui s'objecte formellement à contribuer, de continuer à jouir de tous les programmes sans aucune pénalité. Nous pensons qu'il s'agit là d'un bon compromis à ce moment-ci, même si plusieurs de nos membres parmi les plus actifs souhaiteraient une cotisation strictement obligatoire.

Nous sommes convaincus que la plupart des agriculteurs francophones appuient le bill 42, même si, paradoxalement, ils ne se sont pas toujours empressés de nous apporter leur appui financier.

Comme tous les autres agriculteurs, les agriculteurs francophones sont prêts à faire leur part s'ils sentent que les autres aussi feront la leur. Nous pensons aussi que les agriculteurs francophones comprennent bien la force de l'entraide, de la coopération et du travail à l'unisson. Ils ne cherchent que l'assurance qu'ils ne seront pas les seuls à payer pour les autres qui sont peut-être moins bien sensibilisés.

Les agriculteurs francophones sont aussi de plus en plus conscients qu'ils devront dorénavant payer pour des services qui étaient jadis perçus comme gratuits. À titre d'exemple, disons que de plus en plus d'agriculteurs paient pour des cours d'éducation permanente, ce qui n'était pas le cas il y a à peine quelques années.

Maintenant, on aimerait vous expliquer pourquoi nous avons choisi un statut spécial dans la Loi pour la reconnaissance d'un organisme agricole authentiquement francophone.

Disons-le clairement : les articles 11 à 19 du projet de loi 42 ne nous ont occasionné aucune surprise au moment du dépôt de la Loi en Chambre. Au contraire, ils sont le reflet fidèle d'une entente que nous avons négociée pendant plusieurs mois avec les fonctionnaires du ministère de l'Agriculture et de l'Alimentation et les autres organismes agricoles généraux avec l'aide de l'Office des affaires francophones. L'Union des cultivateurs franco-ontariens a elle-même proposé l'essentiel de la formule adoptée dans les articles 11 à 19.

Au départ, nous recherchions deux choses dans cette Loi :

(1) une reconnaissance du principe qu'un organisme agricole authentique francophone doit pouvoir jouir de tous les avantages et bénéfices que procurent la Loi ;

(2) l'assurance qu'un organisme agricole authentique francophone pourra obtenir sa juste part du financement généré dans le cadre de cette Loi, sans que son indépendance ne soit compromise face aux autres organisations agricoles. Par ailleurs, nous cherchions aussi à tenir compte d'une certaine réalité qui n'est pas toujours facile pour nous d'accepter. Cette réalité se résume ainsi :

Les agriculteurs francophones de la province ne représentent que 3,76 % de l'ensemble des agriculteurs de la province, et ce pourcentage diminue constamment en raison de l'assimilation qui fait des ravages dans certains milieux isolés de la province.

Contrairement aux autres associations agricoles, qui ont un potentiel de croissance énorme, la nôtre est très limitée par le fait même que nous ne travaillons qu'en français et que nous ne recherchons qu'une clientèle francophone. Nous sommes donc conscients qu'il sera difficile pour nous d'offrir certains services d'une façon rentable sans travailler avec d'autres partenaires comme l'Ontario Federation of Agriculture.

L'Union aurait pu exiger d'être «réputée agréée» dans la Loi, conformément à l'article 7, au même titre que l'Ontario Federation of Agriculture et la Christian Farmers Federation of Ontario. Mais nous avons vite compris que cette façon d'agir n'aurait donné aucune reconnaissance de principe aux agriculteurs franco-ontariens dans cette Loi. Or, cette reconnaissance de principe est pour nous très importante parce que nous la percevons comme un corollaire logique à la Loi de 1986 sur les services en français. Si l'Union avait été agréée au même titre que toutes les autres organisations, cette reconnaissance linguistique de principe aurait été perdue.

Il faut aussi dire que nous voulions aussi épargner à nos agriculteurs des déchirements familiaux inutiles.

Plusieurs agriculteurs et agricultrices francophones ont des conjoints de langue anglaise, et nous voulions leur épargner d'avoir à faire un choix difficile entre une organisation agricole francophone et une organisation agricole anglophone. Plusieurs de nos membres très francophones préfèrent aussi pouvoir adhérer à la fois à une organisation anglophone et à une organisation francophone. Ils ont la perception que les deux organisations sont complémentaires puisque l'organisation anglophone est plus grosse et peut leur offrir, par exemple, un plan d'assurance-santé, tandis que notre organisation peut leur procurer, par exemple, des services en français et l'opportunité de militer uniquement en français jusqu'au plus haut niveau hiérarchique.

Bref, la formule utilisée pour reconnaître le fait francophone dans la Loi 42 fait l'affaire de tous et amènera les organisations agricoles à travailler ensemble à donner aux agriculteurs des services complémentaires.

En terminant, je voudrais souligner aux membres du comité que nous sommes pleinement conscients du fait que le projet de loi 42 ne garantit comme tel aucun financement à l'Union des cultivateurs franco-ontariens.

Les articles 11 et 12 de la Loi permettent au lieutenant-gouverneur en conseil de désigner l'Union des cultivateurs ou tout autre organisme agricole authentiquement francophone à titre d'organisme francophone éligible, et de prescrire la part du financement à laquelle elle a droit. C'est donc dire que tout se jouera dans la façon dont les règlements seront rédigés et appliqués. Nous serons très vigilants à ce sujet mais nous avons confiance en vous. Nous avons confiance en ce gouvernement qui nous a donné le collège d'Alfred, nous avons confiance en ce gouvernement qui nous a donné la Loi sur les services en français et nous avons confiance en ce gouvernement qui a accepté de négocier avec nous une reconnaissance des droits des agriculteurs francophones dans le projet de loi 42.

Monsieur le Président, membres du comité, nous vous remercions de nous avoir entendus cet après-midi.

The Chair: Thank you. Questions? Mr Villeneuve.

Mr Villeneuve: André, Pierre, merci infiniment d'avoir été des nôtres ici à Toronto cet après-midi, et de votre présentation. Vous avez très bien fait le résumé de ce qui est l'Union des cultivateurs franco-ontariens. Vous existez depuis 1929. C'est ce que bien des gens ne savaient pas, et vous êtes incorporés depuis 1945.

Maintenant, une question. Le ministre nous a expliqué un petit peu lundi après-midi l'entente qui existe, l'appui financier qui provient de la province ainsi que de la Fédération de l'agriculture qui vous permet d'avoir fourni le petit journal Agricom — et je vous en félicite pour la dixième année de publication — un petit journal qui certainement précise beaucoup de choses dont l'agriculture a besoin.

Maintenant, pourriez-vous nous expliquer un petit peu l'arrangement que vous avez ? Vous semblez ne pas être prêts à devenir «réputée agréée». Alors, expliquez-nous ce que vous voyez dans l'avenir et puis ce que vous avez vu dans le passé.

M. Pierre Glaude : Merci, Monsieur Villeneuve. Ce n'est pas complètement facile à expliquer, mais comme on le dit dans notre document, ce qu'on visait d'abord et avant tout, ce n'était pas nécessairement la reconnaissance de l'Union des cultivateurs franco-ontariens. Évidemment, on la souhaite, et dans cette entente qui, évidemment, est en voie de négociation, il y a une chose qui est claire présentement : c'est que le gouvernement va nommer pour les trois prochaines années l'Union des cultivateurs franco-ontariens à titre d'organisme admissible. Je ne vous cache pas qu'on serait très désappointé si ça ne se produisait pas.

Mais ce qu'on recherchait d'abord et avant tout, c'est une reconnaissance, une reconnaissance pour les agriculteurs franco-ontariens du fait qu'ils ont besoin de services en français d'une organisation agricole, et on voulait qu'il y ait dans la Loi une porte qui permette aux francophones d'aller chercher un montant d'argent à perpétuité, si vous voulez, autant que la Loi existera, pour qu'ils puissent avoir ce financement-là. Si l'Union des cultivateurs avait été agréée comme toute autre organisation agricole, ce qui aurait pu se produire, c'est que l'Union des cultivateurs n'aurait pas pu rencontrer tous les critères que les autres organisations ont rencontrés. À ce moment-là, l'Union des cultivateurs n'aurait tout simplement pas été agréée, puis il n'y aurait eu aucune porte, aucune disposition dans la Loi pour des services en français. Or, nous, ce qu'on dit, et c'est ce qu'on a demandé au ministre — c'est pour ça qu'on a insisté pour avoir cette reconnaissance spéciale — on dit que même si nos agriculteurs disparaissaient demain, il resterait une porte dans cette Loi-là qui permettrait à tout autre gouvernement de financer une organisation agricole authentiquement francophone.

Maintenant, en ce qui a trait à cette entente-là, bien, l'entente prévoit un certain nombre de choses. Par exemple, l'entente prévoit que l'Union des agriculteurs soit agréée pour les trois premières années, même si la Loi ne le dit pas. L'entente prévoit certains détails, par exemple à l'effet que sur le tribunal, ce qui est le cas sur d'autres tribunaux, par exemple, il va y avoir au moins une personne qui va être un francophone puis qui va bien comprendre les problèmes des agriculteurs franco-ontariens. On ne veut pas, par exemple, que l'Union des cultivateurs dans trois ans d'ici soit jugée strictement par un tribunal formé de gens qui ne comprennent pas bien peut-être la problématique des agriculteurs franco-ontariens.

Il y a aussi la question monétaire qui n'est pas complètement réglée et qui est en train d'être négociée. On s'entend sur la base des négociations. Par exemple,

on se dit, «Bien, le montant d'argent que l'Union des agriculteurs recevra sera définitivement réparti, proportionnel au nombre d'agriculteurs francophones.» Ça sera aussi proportionnel un peu, dans un sens, aux services que l'Union des cultivateurs offrira aux francophones, par opposition aux services que peut-être d'autres organisations agricoles fourniront. Par exemple, comme on l'a mentionné, il est clair que l'Union des cultivateurs, avec le petit monde qu'on a, ne peut pas offrir un plan de santé. C'est clair que si les agriculteurs veulent un plan de santé, il va falloir qu'ils voient, par exemple, la Fédération de l'agriculture de l'Ontario, ces choses-là.

Donc, le montant final va être négocié dans les prochains mois, parce que ce montant-là va faire partie du processus de la réglementation. On est satisfait que la réglementation va nous donner cette espèce de sécurité-là.

Mr Wood : Yes, just briefly. Merci beaucoup pour venir ici. Je vous remercie, un excellent presentation. As you understand, I'm not fully bilingual in French, but I married a French woman, both my daughters were educated in French and I represent the Hearst-Cochrane-Kapuskasing area, which has a large francophone population.

I listened very carefully to the presentation that you made there, saying that you worked very closely with the Minister of Agriculture and Food in getting a lot of your ideas and your suggestions in it and you agree with Bill 42.

I worked with a number of different committees up around the Hearst-Cochrane-Kapuskasing area. Last week we had some further meetings to make sure that the people are getting the literature they need or the translation they need in the French language, whether it be the Ministry of Health, whether it be MNR or in this particular case Agriculture.

I don't really have a question. I just wanted to let you know that we appreciate the francophone population, in this particular case representing the farmers, to make sure that they get representation and are represented in the language of their choice, which is French.

M. Glaude : Votre intervention est très appréciée, Monsieur.

Mr Cleary : Welcome to the committee, gentlemen. I'm sorry my French is not there either, but anyway, we really appreciate the time for you coming. We're pleased that those hearings were able to take place and that you were able to get on to the record the way you felt. I know I discussed an issue with you a bit earlier and you explained it. So from what I get from you, gentlemen, you're in favour of Bill 42 the way it stands.

M. Glaude : Oui.

Mr Cleary : You're happy with the arrangements under the tribunal and that the minister appoint members to the tribunal?

M. Glaude : Oui.

Mr Cleary: That's about all my comments. Once again, thank you.

The Chair: I'd like to thank each of you gentlemen for so effectively putting forward the views of the Franco-Ontarian agricultural community. Your views expressed today have played an important part in the process, and indeed the opinions and issues that confront Franco-Ontarians in the agricultural field are very important to every member of this committee. So we thank you very much for taking the time to come down and present to us today.

M. Glaude : Merci, Monsieur le Président.

CANADIAN FEDERATION OF INDEPENDENT BUSINESS

The Chair: The next scheduled presenters are the Canadian Federation of Independent Business, if you could come forward. Good afternoon and welcome. If you could identify yourselves for the purposes of Hansard and then proceed with your presentation. You have been allocated one half-hour in presentation time. The committee would appreciate 15 minutes of that, if possible, for questions and answers.

Ms Catherine Swift: Thank you, Mr Chairman, for the opportunity to appear before you this afternoon. My name's Catherine Swift. I'm senior vice-president with the Canadian Federation of Independent Business. I'd like to also introduce my colleague Judith Andrew, who's the director of provincial policy.

You all have a copy of our submission, which is really in the form of a letter. We just want to highlight some of the major points from it and hopefully leave sufficient time for questions.

Currently, the CFIB represents about 40,000 independently owned small and medium-sized businesses in Ontario, and our membership's about 83,000 nationally. Our membership generally reflects the business population overall in terms of industrial sector and size of business and also geographic location.

Among our membership we currently have about 550 crop producers and about 300 livestock producers in Ontario. We have found, of course, that Bill 42 provisions are relevant to this segment of our membership. We found that we had received several calls from members via our member services department or our regional representatives, our district managers, that brought this legislation to our attention and raised some concerns about it.

Generally speaking, we don't tend to get involved in very sectorally specific interests. Our membership does cross all sectors, as I mentioned earlier, but in this instance we found that there were some principles inherent in this legislation that were of concern generally to the small and medium-sized business community. As a result, we were really rather alarmed to

learn that Bill 42 had received first reading June 3, second reading before the Legislature recessed and was really proceeding on a quite hasty legislative path through committee this summer towards third reading in the fall. Judith, would you like to continue?

Ms Judith Andrew: The federation has a long history of surveying our membership on key policy issues. Those member votes and the direct feedback from our members constitute the basis for the views and the positions that are taken by CFIB staff such as ourselves. Accordingly, given the haste with which Bill 42 was moving forward, we were limited to developing a fax survey, which was actually sent last week to a sample of some 200 of our members in the agricultural sector.

We did not really contemplate that the survey would be a referendum on the legislation. In fact, it couldn't be, given the circumstances, but our purpose was to test whether or not the concerns we'd heard from some members were in fact shared by other farm members who would be directly affected by the legislation.

1510

The survey is attached to our submission and you can see it there. It had three questions. The first question asked the farmer if he or she was aware of Bill 42, and it also furnished a short background and explanation of the key provisions of Bill 42, including the refund.

The survey also asked, in principle, whether the farmer believes mandatory membership in a farm trade group should determine eligibility for Ministry of Agriculture programs.

The third and final question asked whether the farmer favoured or opposed Bill 42.

Naturally, we're hesitant to tabulate a small survey sample but, with appropriate cautions, the results certainly show that there is undeniable opposition to both the principle and the provisions of Bill 42. We have actually had 80 surveys returned; we had some 200 faxed confirmations that were received, so that yields a response of some 40% of the surveys that were actually sent out. In the 80 surveys, roughly three quarters of the respondents reported being aware of Bill 42. We think this awareness figure is probably fairly high and it wouldn't be this high among the smaller operations. Just owing to the mechanism that we used, a fax survey, that would mean the survey would be skewed to the larger farm operations in our membership, those that were equipped with facsimile equipment.

Importantly, though, coming from this survey we found that opposition both to the principle of the legislation and the particulars of Bill 42 outweighed support for it by about a ratio of two to one. This, obviously, is not definitive, but it does certainly suggest that further broad-based research is required before this legislation is passed.

Our concerns:

As we read the legislation, our concerns are with sections 20 and 22 of the bill. Section 20 requires a cheque "payable to an accredited farm organization" to accompany the registration of the farm business. We're disturbed that all Ontario farm businesses with a gross income of \$7,000 or more will be required to pay an annual \$150 fee to one of the accredited farm organizations. It works out to be multiples of this \$150 if, for example, there is more than one business involved. This \$150 fee obviously is a fixed fee regardless of the size of the farm as well.

Subsection 22(2) of the legislation provides that access to selected ministry programs, such as the farm tax rebate program, will only be allowed to eligible farm businesses that have registered with the ministry. In short, under threat of losing the farm tax rebate, farm businesses will be forced to register and enclose the \$150 cheque. I would just say in passing that it's unfortunate; because the farm tax rebate is designed to mitigate inequities in the nonsensical property tax system we have in this province, it's really questionable that this should be a measure to be considered a program and denied to farmers in this fashion.

On the general point, we would point out that most business associations are prepared to justify their work and their fees to members on an annual basis. This ensures that the business associations meet their members' needs and are diligent in carrying their members' views to government. By contrast, Bill 42 would institute government-orchestrated financial support to accredited farm organizations, an arrangement that risks making the farm organizations more responsive to government than to farmers.

It is sometimes argued that "free riders" should help support the organizations that lobby and win gains for them. While some people are not joiners, any business association that's doing a reasonable job for its members should be able to attract sufficient financial support to function. We can only assume that since the general farm organizations have been pressing for this legislation they must have been unable to attract sufficient voluntary support and must resort to a form of government-supported conscription.

We would argue that this legislation lacks even the modicum of democratic procedure available to workers under the Ontario Labour Relations Act, where at least there are rules on showing sufficient membership and, in some instances, workers are able to vote on whether or not they wish to be represented. Some of our members commented that all farmers should be able to vote on this arrangement, yet farmers have no such luxury: The 1992 consultation meetings held last summer represented their input to this decision.

By contrast, the legislation contains a new structure, the Farm Organizations Accreditation Tribunal, which

gives considerable procedural arrangements for deciding which farm organizations are eligible to receive the money and for dealing with farmers who have a religious objection to paying the fee.

The subsection 20(5) provision for a refund of the fee may mitigate our concerns only slightly, depending on the procedures. We would liken the idea of requiring payment from every farmer and providing refunds to those who request them to negative option plans, and these are generally held in low regard by consumer protection professionals. Any student of human nature knows that people are busy and deadlines easily slip by. It takes purpose and organization to request refund forms and to pursue obtaining the refund to its finish. Most people would think that having to do this each and every year is an intolerable burden.

The minister's staff, as of recently, were unable to furnish details of the refund arrangements as these apparently are under development. We were advised, however, that the farmer will not be able to indicate his or her desire for a refund along with the registration, since only the cheque and the registration number will be passed to the farm organization. It's hard to imagine a recipient farm organization being pleased by the prospect of processing large volumes of refunds, yet these people are the ones who are being consulted on the procedures. We suspect that the farm organizations are counting on human nature to limit the number and volume of refund requests.

Given all of the foregoing, CFIB strongly recommends an arrangement whereby farm businesses can opt into membership and offer voluntary financial support to a farm organization. Voluntary membership would truly strengthen the farm organizations. Involuntary financial support will only breed resentment and disenchantment with the government mandating it.

The Vice-Chair: Thank you. Questions and comments?

Mr Hansen: I'd like to welcome you to the committee. There are a few points on your fax survey that seem to be incorrect, so when people are answering it they haven't got the whole picture.

It says in the first question a cheque in the amount of \$150 payable to the Christian Farmers Federation of Ontario or the National Farmers Union or the Ontario Federation of Agriculture or the union of French farmers. Well, there are only two organizations. Maybe you hadn't got the changes that took place at the end of July, that the NFU had dropped out, so there are actually only two you'd be filling into. Also, it says "although the refund procedures are not yet established." There is a process to refund the \$150 to the individuals, but you're putting in there "will be coming through."

The other one is on question 2: "Do you believe mandatory membership in a farm trade group should

determine eligibility for Ministry of Agriculture and Food programs?" That's an incorrect statement. You do not have to join one of the farm groups, because you get a refund and you wouldn't be a member.

Ms Swift: Well, it's a question, not a statement.

Ms Andrew: It's a question on the basic principle—

Mr Hansen: But you're misleading the people out there, I would say, with that particular question, because you're saying: "It's mandatory membership. Do you agree?"

Ms Andrew: Bill 105, before this bill, was even closer to that particular principle. I grant there have been some changes since Bill 105, but we were asking on the principle of whether the farmer believes that should be a requirement. Some do, and they're free to believe that, but some don't, and we're perfectly able to ask that question of farmers.

Mr Hansen: Were these full-time farmers you were soliciting results from, or were they agribusiness, feed mills and implement dealers, maybe possibly belonging to OFA as supporters?

Ms Swift: No, they were farmers. There were no implement dealers or any of that.

Mr Hansen: And they don't belong to any of the commodity boards either?

Ms Andrew: They're crop producers and livestock producers.

Mr Hansen: Then a lot of them already belong to the commodity groups.

Ms Andrew: That's right. In fact, we received some comments that they already pay fees to those boards, and "Enough is enough" was the gist of some of the comments.

Mr Hansen: But it isn't compulsory for them to belong to another group. They can ask for a refund.

1520

Ms Swift: That's what we have difficulty with. We don't know the situation yet with the refund procedures. We know with small firms generally, with all the different kinds of legislation they deal with, that typically, as outlined in our brief, the difficulty of compliance is often more of a problem than the intent of the legislation in the first place.

Again, if the refund wasn't a problem, we think it could be facilitated quite a bit more than it has been. Hopefully, that will take place, and that's something we would certainly promote here today. But we all know that human nature is such that in any refund program you get a much lower proportion of people who actually follow through the process.

Mr Hansen: I can tell you, I'm in a drug program here for my prescription drugs and I have to pay first and then I have to fill in the forms and send it away for a refund. It's all part of doing business, or individuals

too. It's nothing new, filling out forms for refunds.

Ms Swift: We disagree with that very strongly.

Ms Andrew: If it didn't make any difference, then it should be possible for the minister and the committee to support having an opt-in arrangement rather than an opt-out, if there was no difference.

Mr Hansen: We're just looking for opinions today.

Ms Andrew: On the earlier point about the Christian Farmers not being involved, I have heard through the grapevine that—

Mr Hansen: No, they are. It's the NFU.

Ms Andrew: The NFU. Someone is going to be excluded as of the amendments on third reading?

Mr Hansen: Yes, the NFU.

Ms Andrew: That hasn't happened yet, the amendment.

Mr Hansen: It will be in the amendments that start tomorrow.

Ms Andrew: That's fine. As the materials stand, what we received from the ministry, this is what we have.

Mr Randy R. Hope (Chatham-Kent): As one who's been opposed to the legislation, I'm going to stick up for the minister on an issue. I take exception when you say that a lot of people don't know about the legislation; also, that it's being hastily moved through the process. I'm going to stick up for the minister. Guys, have you got this on record?

It went through a lot of public information process. There were about 14 of them out in the community. I know there have been a number of surveys done and I'm going to ask the ministry to supply some information to the committee, because this is the first chance I get, that a survey has been done.

But that it is hastily being moved and Bill 105 was introduced and Bill 42, I don't necessarily agree with. This has been out there and it's been public. By the sounds of it, we've got all-party agreement, except for a couple of us individuals who are fighting on principles of aspects of the legislation. I won't say where the Tories are.

I just take exception to that comment. I'm interested in some of your surveys, because I've been doing surveys out there too to find out how many actually know what this is all about, and I know my colleague did. I just want to say that, because I'm opposed. I sit on the government side and I've been opposed to the legislation and it's been clear. I want to stick up for the minister on that part: There has been public information and data.

That then leads me to my question to the ministry folks, the deputy minister's office. We've been supplied statistics, which is the first time that I'm aware of, through the process of having a survey done. I know the

ministry has conducted its own surveys with questionnaires at 14 public hearings, and also it had a 1-800 phone-in line. I'm wondering if that information can be provided to us, the surveys that were conducted by the Ministry of Agriculture and Food at the 14 hearings, and also whether the tapes and/or translations of the 1-800 line for people to express their comments could be provided so we have a balanced perspective of both the CFIB's statistics and your statistics.

Ms Andrew: I should clarify that I did request that information. I requested a consultation report on those meetings that were held last summer. And I would point out they were held between July 6 and July 29, which is probably a busy time for farmers; it's not a holiday time. I requested a report of those consultations and was told there was not one available and that the information gleaned at those meetings was what turned up in the bill. I would be interested in whether there are any broad-based surveys or whether all farmers were able to vote on this, because from our modest sample of just a few of our members, it would appear that they have not.

Mr Klopp: As the parliamentary assistant, at those meetings there was no real formal survey done that I'm aware of, but we'll get as much information as we can out to the committee tomorrow. If there's a 1-800 number, I'm unaware of that myself. I know that somebody put in an ad for one of my colleagues: "Phone one of the minister's staff persons to voice your opinion against the bill," and I'm unaware of whether she got any phone calls. But that was nothing the ministry did; I think that's just part of the free-enterprise system and freedom of speech we live in under this country. But we'll get as much as we can. There was no deliberate survey of any type that I'm aware of.

Mr Hope: It wasn't me who made up the 1-800 number.

Mr Klopp: I'm not saying it was. Anyway, we'll get as much as we can.

I guess if I didn't say this, the people back in my riding would say I'm not fighting for farmers. Farmers are always busy, 12 months of the year. We're in a business where you make your own time where you can. There's no good time for a meeting. I say that just because it's something that, if I didn't, somebody would accuse me back home that I've gone soft down here.

Also, if I may, the Union des cultivateurs franco-ontariens, you have in your brief, are receiving \$150. That is something that is not the case, and I just wanted to make sure you're aware of it.

Ms Andrew: Do you have the minister's press release, Catherine? The highlight sheet that came out of the ministry states at the bottom, "Regulations made under the proposed bill will name l'Union des cultivateurs franco-ontariens as this French organization for the first three years." It's clear that they're included for the

first three years.

Mr Klopp: All right, they're just not accredited. I need that for the record in case there's someone else who wants to come forward. I apologize if it was misleading. I just wanted to get it for the record. It's part of these hearings that people read them, and I wanted to get that on the record.

Ms Andrew: It is decided that they will be named.

Mr Klopp: They're not accredited; they're under special funding. I don't know if you were here earlier—

Ms Andrew: Which is what their brief was about.

Mr Klopp: Yes. There's a small line difference. We've discussed it in the last few days, and I need to get that on the record. I apologize if it was that way.

Mr Cleary: Thank you, ladies, for your brief. I somewhat differ from the second-last speaker on the consultation process. I've been a firm believer that if you're dealing with the agricultural community, you want to get as much information out to them over as long a period of time as possible. As you said, they're all busy people.

I take it that you ladies are pleased that we're having these hearings, that you can get your views on the record. Is that true?

Ms Swift: We're always happy to express the views of our members. As we mentioned at the outset, typically we try to not get embroiled in fairly sectoral issues, but this one was interesting because, first of all, it was initiated by a lot of our members contacting us; that was where the initiation came from. Given that, we decided that yes, we should do a survey. Unfortunately, at that point we didn't have a lot of lead time so we had to do it via fax, which is not our preference, but it is faster, and did decide to appear before this committee on that basis.

Mr Cleary: So a few more weeks would have been pretty valuable to you.

Ms Swift: Under the circumstances, yes. Speaking for small business in all sectors, we find that the more the merrier in terms of efforts to educate. We try to perform an education role, as well as other things, with our membership, as do other organizations. No matter how much you may think you've informed people, I suspect this survey is—well, there's no reason to believe it's not accurate when it implies that roughly 25% were not aware of the bill. One always thinks that by sending out a notice or whatever you've consulted, but what you say is absolutely true. Of course, with any small business in particular you have to get information out several times if you hope eventually you'll hit the majority of recipients.

Mr Cleary: If you had a wish list, what would be your priority to a change in the bill?

Ms Swift: As Judith alluded to earlier, if there really

isn't a problem with this whole refund arrangement, why is there not the ability to opt out at the outset? Why do we have to set up this complex administrative mechanism whereby cheques are submitted and then refunded and so on, if there isn't any difference? Of course, the reality is that there is a difference. You know that a certain proportion of people—and again we can speculate over what that is—will not apply for the refund. To set up this complex procedure we see as unnecessary. Why not allow an opt-in or an opt-out at the outset?

Mr Offer: Thank you for your presentation. I have a question sort of around the area that you've addressed in dealing with the refund. I understand what you're saying with the request for a rebate. In fact, there is no process under the bill. It's just a mere request, and bang, the cheque should be sent back. But I understand that people just won't request, in keeping with human nature.

1530

Ms Swift: Under the current way we read it anyway, and it does seem to change as we discuss it, you have to apply to the organization that was the ultimate recipient and so presumably, I don't know, do you phone them? Do you write? We understand that's still under some kind of development, whether there's a process or whatever.

Mr Offer: One of the things that is clear from the bill is that there's no time frame. I know that you're knowledgeable about a whole variety of areas, but it says that the ministry shall promptly forward the cheques to the appropriate organization, that if there's a refund request, that shall be promptly sent back. There's no time frame for the individual to request the refund. I'd like to get maybe your thoughts as to whether there should be some time frames in the bill that say, "Listen, if you want a rebate, you've got this amount of time to request. When the ministry receives the cheque, it has this amount of time to send it to the GFO and the GFO to the individual," and your thoughts generally on time limitations in a bill of this nature.

Ms Andrew: I suppose, when it comes down to it, those things would be important. If a time limitation for requesting the refund elapsed before one got around to it, that would be unfortunate. So there should be a generous time allowed for doing that, given that farmers are busy business people. The subsection 20(5) requirement on the accredited farm organization to promptly refund to the business should probably specify a reasonable but short period of time for doing so, two weeks or something.

Mr Offer: Thank you.

The Vice-Chair: Thank you, Mr Offer. Mrs Fawcett would like one very brief one.

Mrs Fawcett: One very brief one, yes. Thank you

very much and I thank you for coming before us.

Some groups that have come before us have asked that a vote should be taken or be part of the bill, that a mandatory vote be taken before to get the air cleared. Have you thought about that? I'm sure you must know that this is what some groups are advocating. What's your thought on that?

Ms Andrew: We received that specific comment from a number of our members on the survey and over the phone, those who called us, that every farmer should have an opportunity to vote on this, and that that would make it the most democratic procedure that you could muster in the circumstances. We believe, yes, that they should be able to vote.

Mrs Fawcett: Because even though the \$150 is refundable, you don't feel that that's really democratic enough.

Ms Andrew: Again, it just seems like an awfully backhanded way of doing something, and I mean, don't get us wrong. We certainly have nothing against any of the organizations involved here in any way, shape or form.

Mrs Fawcett: I realize that.

Ms Andrew: It's a philosophical issue, if you will, and also setting up a procedure which really, a lot of it, could be avoided in a very straightforward way.

A number of our members, interestingly enough, said to us, "Why don't you become accredited," which would not be relevant for all kinds of reasons, but that was their approach in their cases. It's just not something, as an organization, we would ever want to do because of what it implies, I guess. So it's not anything involving the organizations but really the procedures that seem to be inherent in our interpretation of the proposed bill.

The Vice-Chair: Thank you very much. Mr Murdoch?

Mr Murdoch: I'll just follow along the line of a vote. I noticed you've presented this brief as the CFIB brief, and I note that you say there are about 40,000 independently owned businesses that belong to this. I wonder what right you have to present this brief on their behalf if the 40,000 people have not voted on this. Has it been presented to them, which I don't think it has by listening to you, and you've signed it on their behalf? I'm wondering how this can be presented, then, as a CFIB report when there has in fact, as I take it, been no vote on this brief. Are you presenting it basically on the two of your decisions, or where does the authority come from to present this on behalf of the 40,000 independent businesses?

Ms Swift: The data that formed the brief came from a good sample of our agricultural members in Ontario. Just as you would probably not go to a vote for all Ontarians on this particular piece of legislation with

something that is so sector-specific, we would not likely, and this happens in other sectors as well, the retail sector or some other industrial sector, if it only affects that particular sector.

Mr Murdoch: So you feel you've taken a qualified vote among the sector that you're trying to represent here?

Ms Swift: No, this is based on what we've received to date. We're still getting them in. We got a few more this morning as a matter of fact, but unfortunately because of our time frame and appearance here today, we're presenting you with what we've got so far. We're continuing to receive them and we will continue to report accordingly.

Ms Andrew: Our research here was quite clearly qualified with the size of the sample, and also the strong point that very much more needs to be done and a vote sounds to us like one way to address all the farmers in Ontario so that they have a democratic choice in this.

Mr Murdoch: On one hand you say there should be a vote and on the other hand that you're presenting something from the CFIB which has 40,000 members who didn't have a vote on it, so I wonder—

Ms Swift: Which we've presented accordingly, and as we say, we think there are more.

Mr Murdoch: I want to get on record that really, you can't present this as a brief from CFIB. You can present it—

Ms Swift: No, that's not true.

Ms Andrew: That's not true at all.

Ms Swift: We also have—well, it's not a question of authority—

Ms Andrew: You represent your constituents, and I'm sure you don't check with them every time you make a statement—

Mr Murdoch: I try to, and I'll be surprised if my CFIB people will like this.

Ms Andrew: The other difference is we do have to justify our work and our fees every year to our members, and if we're not representing them well, then—

Mr Murdoch: As I say, I question it, so I just want it on the record.

Ms Swift: Because we don't have anyone paying us because it's in legislation somewhere, we do, certainly, have an annual check. Politicians have one every four years or so. We have one every year, and if we're not doing our job, we certainly hear about it.

Mr Murdoch: Okay, and maybe you will on this.

The Vice-Chair: Thank you, Mr Murdoch. Ms Swift, Ms Andrew, on behalf of this committee I'd like to thank you for taking the time out of your busy schedules and giving us your presentation here today. Thank you very much.

Ms Swift: Thank you. We appreciate that.

The Vice-Chair: I'd like to call forward our next presenter, Richard Lloyd.

1540

RICHARD LLOYD

The Chair: The next scheduled presenter is Richard Lloyd. Mr Lloyd? Good afternoon and welcome. You've been allocated one half-hour for your presentation. If you can proceed with your presentation and allow, if you can, 15 minutes or so for questions and answers out of that half-hour.

Mr Richard Lloyd: Just before I begin, I would like to enter into the point of information about what was done at the open house meetings in terms of what was called a survey. We were all asked to fill out a comment sheet. I am aware that all of these comment sheets were collected and compiled. Statistics of pro and against were kept. There's also a telephone tape of comments that were made to a 1-800 number which was publicized. It does exist. Now, to begin my presentation.

Good afternoon. I am here today to make one final public statement on what I see as a shameful episode in the history of Ontario farm politics and an equally shameful and inadequate response by our elected politicians in Ontario.

I will begin with an introduction of who I am and why I think I understand the opinions of grass-roots farmers.

My name is Richard Lloyd. To come to Queen's Park today I left my home in the back hills of Renfrew county in the Ottawa Valley even before most dairy farmers were getting up for their morning milking. I'm a constituent of Leo Jordan and when I step over my back property line I'm in Sean Conway's riding.

The Ottawa Valley is a very sane place to live. Perhaps that may be why I have been able to view stable funding with what I believe is some level of clarity. The valley is a small world on its own, with the Ottawa River and Quebec on one side and a string of high hills of the Canadian Shield—we call it the Opeongo Range—separating us from the rest of Ontario.

My father was a farm appraiser for the Veterans' Land Act. I grew up in Victoria and Haliburton counties. I picked the Ottawa Valley as a place to settle after attending Carleton University in Ottawa and have now lived in the valley for 17 years. I was a very happy, though not affluent, beef farmer and also ran a farm feed outlet.

My current résumé ends with the following statement:

"My great love and respect for the Ottawa Valley farming community is reflected in the easy rapport and acceptance I experience when I am with rural people. All of my activities and interests grow from my sense of commitment to the community within which I live.

"My work, lifestyle and energy revolve around the principles of self-sufficiency, fair treatment and positive action."

For over 20 years I have devoted much of my energies to organizing for the New Democrats at the grass-roots level, mostly in Renfrew and Lanark counties. Indeed, I had been prepared to challenge Mr Jordan in the next provincial election.

Throughout the course of my involvement with this stable funding issue, I have become a member of the National Farmers Union. I have contributed my efforts in opposition to this concept both through the New Democratic Party structure, as provincial council delegate for Lanark-Renfrew and internal lobbying of cabinet and NDP caucus, and through helping to draft NFU press releases, speeches, backgrounders and a clause-by-clause analysis of Bill 105, now Bill 42.

I am now a disillusioned former member of the New Democrats and a proud member of the National Farmers Union. But above all, I am a supporter of the democratic rights of my farming neighbours. I very much resent the attitude of people who say that they know what is good for farmers, are ready to legislate the extraction of up to \$10 million a year from farmers and have held a second reading debate on the stable funding bill that concentrated on the price of cherries.

Now that I have completed my opening statement of declaration of interest, I am intensely interested in hearing a declaration of interest from the committee members, so I know to whom I am speaking.

I would like you all to please declare your membership in an Ontario general farm organization, whether this is a full or supportive membership, whether you have held an executive position and whether you have held a paying position within that organization. And, surprisingly, please state whether you are aware of and whether you are a player on the Legiskators Hockey Team, organized by Elmer Buchanan.

Mr Hope: I play hockey. I'm guilty.

The Chair: If members of the committee wish to indicate something to the witness, they can do so. If not, we can proceed with your written presentation and have dialogue after.

Mr Villeneuve: I'm a member of the OFA.

Mr Murdoch: I'm a member of the OFA too but I never was in an executive position, but I play hockey too.

Mr Villeneuve: In 1978, 1979 and 1980 I was a member of the tax assessment committee of the OFA, working on farm tax rebates.

Mr Cleary: I'm not a member of any farm organization, although I've worked with them over a lot of years, and I do not play hockey on that legislative team.

Mr Klopp: But we need you.

Mr Murdoch: Yes, we need you for defence.

Mr Cleary: Is that right?

Mrs Fawcett: I am not a member of any of the farm organization groups, and even though I can play hockey I don't play for this particular team.

Mr Klopp: Jeepers, we find something out here.

I started off in politics at the local county federation of agriculture and am proud to have learned a lot from a lot of good people. My father was an active member of the NFU and also actually paid both memberships. Unfortunately, because of the poor farm prices in this province, I couldn't afford to do both plus try to farm, and only having me on the farm and dad and no other brothers—well, Doug helps when he can—I was only able to stay with one farm organization. I was never on the executive of the OFA, never tried, and heaven knows what would happen.

As far as your question on the Legiskators, I quite frankly am appalled that that question's been asked for the record, but since you asked, I will tell you that I'm a proud member of that. I'm not very good at it but I sure have fun.

The Chair: Anybody else?

Mr Hope: I've already indicated.

Mr Waters: I don't mind saying that I come from a farming area where the farmers are too poor to be able to afford to belong to a number of organizations. Like Mr Klopp, I see no relevance to your second question, but I don't play hockey and I have no idea why you would ask either of those questions.

The Chair: Thank you very much. Proceed, Mr Lloyd.

Mr Gary Wilson (Kingston and The Islands): I just want to say, Mr Chair, that I'm not a member of the OFA and I'm aware of the team but I'm not a member of it.

Mr Lloyd: I just want to know who I was speaking to.

I will always remember the date of April 8, 1992, when a fellow Admaston township resident asked me to come down after supper to view the draft proposal of the stable funding concept as proposed by Elmer Buchanan and the OMAF bureaucrats.

My immediate reaction was that this was political suicide in rural Ontario. I promptly worked my political connections to advise Evelyn Gigantes of my conclusion and pleaded with her that there was only one moral and political position to take: A vote by farmers was traditional in these situations and no political blood would adhere to the government whichever way it went.

I thought this would be a relatively easy lobby. I was naïve.

For the first time in over 15 years, I travelled out of

the Ottawa Valley to the NDP convention in Hamilton in June 1992. A small group of farmers got the issue of stable funding on to the floor after several procedural moves but lost on a virtual tie vote. After that, my Lanark-Renfrew NDP riding association sponsored the lobby. We circulated a resolution and background paper to all rural riding associations and caucus members. I attended farmer meetings in Alliston, Markdale, Cambridge and twice in Oshawa, where I continued to challenge the minister and his position.

In November 1992, I and others convinced the NDP provincial executive and provincial council delegates to overwhelmingly call for the withdrawal of the then Bill 105. Others in our effort lobbied the opposition parties.

All of us in a broad coalition of grass-roots farmers eventually took the non-partisan position that any party that stood up for the democratic rights of farmers through a vote on stable funding checkoffs would win our support.

You all have let us down.

Again, it seems pretty naïve on my part, but I thought it would be politically advantageous to defend a vote. Silly me.

1550

What I see, to my utter surprise, is all three parties consciously choosing to go along with the OFA's demands that there not be a vote, now or ever. For politicians whose very lifeline is democracy and voting, this, I believe, will live to haunt you. I certainly don't envy your position of defending not having a vote, both NDP government and opposition parties, and your persistence in espousing this totally politically untenable position. If I were a teenager, I'd say, "Awesome, folks." I don't get it.

I'll repeat what I have said to Elmer: "Stand back and take a look at yourself. Do you realize how foolish you look arguing against democracy? You don't know who a farmer is? You don't want to divide farmers?"

To Mr Villeneuve, who earlier in these hearings argued against using the land tax rebate database as a source of a voters list because, for instance, you get three cheques, I ask you, would you vote three times despite a legal declaration to vote only once?

I'm not going to devote any time to dealing with specific legal objections to Bill 105, now Bill 42. My 20-page clause-by-clause analysis is available from Liberal researcher Hans Feldman, Tory researcher Bill King and the offices of the Premier and the minister. You could also read the 45 column-inches that the Ontario Farmer magazine gave to the analysis in the March 23-24 edition.

Although it was written for Bill 105, the majority of the analysis applies to Bill 42, in particular the inordinate powers of the tribunal and the use of the regulations to encompass the most important elements, rather

than entrenching them within the legislation. We won't even see the regulations until two weeks after you folks pass this bill, according to Elmer.

It's my belief that this has been a quite brilliant strategy engineered by Carl Sulliman, Ontario Federation of Agriculture chief executive officer, to bring back this December dead bird to life by the end of January with the support of the uninformed.

"Refundable" looks so attractive to those uninformed of the history of farm checkoffs. Liberals should have remembered how easily the Ontario Cattlemen's Association checkoff changed from refundable to non-refundable. Then in Elmer's early days as Agriculture minister, he took the cap off the amount of the check-off. Only uninformed politicians would be fooled by this refundable scheme, certainly not farmers.

I will bet Elmer a case of beer that the scenario in a couple of years will be the OFA complaining that it is costing them a lot of money to administer the refund system. I can hear it now: "Before, we had freeloaders who didn't contribute, but now they're costing us a lot of money. Let's make it mandatory." Is the next government ready to play into this scenario?

Since I left my farming career, I took up computer programming, which is a simple matter of logic. I have based my arguments against stable funding on logic, but logic never entered into the Queen's Park debate on this issue. Silly me, again.

I have learned four things:

(1) Watching the OFA and the minister, I can see that it is possible to repeat lies and half-truths over and over until they are believed.

(2) The OFA runs OMAF. Indeed, a farmer friend of mine has been increasingly confused about who this province's Agriculture minister is, Elmer or Roger George. The farmer describes them as "Siamese twins joined at the wallet." We've got some very funny farmers in the valley. But right on. Now it seems the OFA is branching out to the Ministry of Labour, having announced for the government, on OFA letterhead, the introduction of the Agricultural Labour Relations Act, including an OFA invitation to the ministry's briefing.

(3) When it comes to understanding agricultural policy, both the government and opposition parties don't have a clue. The second reading debate on this bill is embarrassing in its lack of focus on the issue.

(4) Worst of all, although Queen's Park is a very busy place, it appears no one cares to take the time to find out about agricultural issues.

Thus, the attitude I've run up against is, "We have an Agriculture minister and he's a good fellow and he must know what is right for agriculture." Why, I ask, has every Agriculture minister for the last 20 years avoided the pressure from the OFA to enact such a scheme? Were they less brave or more politically astute?

I think the political judgement of both NDP government and Liberal and Tory opposition members in thinking that the OFA vote is crucial to your re-election is wrong and dangerous. For instance, to you NDP members, I want to tell you that I asked some of my local OFA leaders to take out NDP membership because of this great favour from Elmer. Guess what? No takers.

Farmers have busy lives and have had little opportunity to participate in the debate on this issue, with the ridiculous open house sessions and now the committee hearings taking place in the busiest time of the farm year. But I assure you that you must remember that two thirds of Ontario farmers do not now voluntarily belong to a general farm organization, not because they are the vaunted freeloaders, but because they see no value in such a membership.

This forced registration and blackmail payment will unleash farmer anger like you have never seen. Anyone attached to this farmer registration and farm organization funding scheme will pay the price of defeat at the polls. You will drop like flies after the first hard fall frost. When I have explained this scheme to my neighbours, their anger is scary.

I now introduce a compendium of Letters to the Ontario Farmer. That's this rather thick document. It took me a long time to clip them, make sure I had them all and reduce them so it didn't cost me too much to photostat them, but I think it's the most valuable thing in my file, which now occupies a box. If you choose not to read these letters—and I know it's a lot of reading, but there is some very good writing in there, some very funny stuff, some emotional.

I direct your attention to the summary page, which includes the titles to the letters and the final totals on page 3. You can check with Paul Mahon, the editor of the Ontario Farmer magazine, Ontario's premier farm press, that this issue is unprecedented in the number of letter responses. There were, between May 1992 and July 1993, 72 letters on the issue of stable funding. There were 16 in favour, 22%, and 56 against, 78%. I believe this would reflect the results of a vote on stable funding. You can see why the OFA won't allow a vote on stable funding.

Despite all the talk heard here about a vote, I have no expectation that there will be an amendment to the vote section, or indeed any amendments, except the removal of the NFU from section 7. I look forward to seeing the minister move this amendment in the House and all parties voting on it.

During the general drivel of the comments made by members at second reading—it could hardly be called a debate, except by Mr Hope and Mr Cleary—one was left with the general impression that most members knew that farming was in a crisis and that since this was the only agricultural bill to make it on to the legislative schedule, this stable funding of farm lobby

groups would solve all the problems of the agriculture industry in Ontario.

In an almost Freudian slip, Karen Haslam, Elmer's biggest fan, even referred to it as "stable farming." Now I note that the same word slippage has passed on to the letters sent from the committee secretariat to us witnesses, and no one seemed to notice. Even on the schedule of who appeared today, I see the name of the bill in dark print, in French and, in brackets, "stable farming." I draw your attention to this.

1600

I think this is an apt summary of this whole sorry affair. To quote a former OFA president, "Once you've got them in the corral, close the gate and don't let them out." To all MPPs, in case you missed it, the "them" is you.

Notwithstanding my angst about logic not being part of this debate, please let me read the arguments and counterarguments as contained in the grid sheets I have provided.

The "Eleven Stable Funding Arguments" grid sheet was prepared in November 1992 and used to successfully explain this issue to the NDP provincial council. Behind it, the "Six More Stable Funding Arguments" grid sheet was prepared in March 1993 to attempt to counter the uninformed support for the new refundable twist.

Eleven Stable Funding Arguments: I just want to say I learned a lot about writing through this exercise. I learned a lot about how much paper passes through your desks. I think this was my most successful attempt at making a concise issue that one would have the hope of an elected official having time to look at. I know a lot of people were sent it. I don't know if it got past your staff.

The issue of the concept: The Minister of Agriculture and Food said farm registration and stable funding. Others said no, this is mandatory fees to farm lobby groups. The minister said money to GFOs is power. Others said no, this is not a social democratic view of empowerment.

The issue of the Rand formula: The minister said all farmers benefit, so therefore all must contribute. Others said the Rand formula cannot be extended to political lobby groups, for example, the Canadian Federation of Independent Business. The issue again was the minister saying the system must be mandatory—now, I know this was November, but we'll go through it—with a mechanism of force, denial of access to OMAF programs. I point out to you that only a third of farmers are voluntary members at this point. Others said if it's going to be mandatory, then the principle of union certification must apply; within that, there's provision for a vote.

The issue of a vote: The Minister of Agriculture said

a vote would be divisive. Others said that's nonsense. Do we therefore dispense with elections? Denying farmers a vote will target their anger at the NDP and will result in many rural seats lost.

The issue of a voters list: The minister said no one can come up with a voters list. Others said that's nonsense. Many mechanisms have been suggested. A legal oath is sufficient in rural polls in elections. Is there no trust in farmers' honesty? If we can figure out where to send the bill, we can figure out where to send the ballot.

The issue of a delayed vote: The minister said there could be a formal review in three years. Others said no other group is forced to pay mandatory fees for three years and then allowed to vote. Why farmers? There is no grass-roots outcry for this as there was for milk supply management in 1965.

The issue of the Quebec model: The minister said Quebec's farm group, UPA, is a successful mandatory model. Others said UPA was given mandatory power after being accepted through a vote by Quebec farmers.

The issue of consultation: The minister said a series of information sessions was held this summer. That's now two summers ago. Others said only 14 manipulated sessions in the busiest time of the farm year was a consultation sham. Nevertheless, there was nearly 50% opposition. As far as I can tell, no input was considered.

The issue of one GFO: The minister said there is a choice of one of three general farm organizations. Others said this excludes many other legitimate organizations and likely will result in only one GFO, the OFA, shortly, due to the reaccreditation process.

The issue of what we do now, well, that was in November. The other bill was an embarrassing thing. I can't believe there are people who don't know how the farmers' anger erupted in a phone lobby in December.

The second grid sheet, six more stable funding revised version arguments, March 1993. I'll read the recent history. Legislation called Bill 105 was introduced and given first reading in late November 1992. Immediate and strong opposition from grass-roots Ontario farmers, the NDP provincial council and the opposition parties at that time brought the bill to a halt and prevented its quick passage in early December 1992. A desperate Ontario Federation of Agriculture, the main stable funding proponent, helped design a brilliant new strategy in mid-January 1993.

The issue of the concept again: The minister said mandatory registration and payment of \$150 annual fee to one of three general farm organizations or lose access to government farm programs, farm tax rebate, for example. Others said this is the same as the original proposal, the same objections. If mandatory, then the principle of union certification must apply. There must be a vote. Denial of programs is draconian.

Refundable: Remember in March we weren't quite sure what this refundable stuff was about, but the minister said after the farm organization gets the \$150 fee, a farmer can ask for it back. Others said the history of refundable checkoffs is that they soon become non-refundable. There is a double onus on farmers: pay and ask for it back, ridiculously bureaucratic and inefficient.

The issue of a vote: The minister said, just like Charlie Mayer says about having removed barley from the single desk selling of the Canadian Wheat Board, farmers will vote with their chequebooks. Provision for a mandatory vote in three years will likely be dropped and has been dropped. Others said if giving choice is genuine, cut out the deviousness. There must be a vote by farmers before implementing checkoffs for general farm organizations. This must be established as a fundamental principle.

The issue of information: The minister said that data provided on the registration form will aid the government in understanding the farm sector and its needs. Others said nonsense. Farmers already provide lots of data on various application forms. An extensive Ontario farm statistics is published yearly. Further questions could be added to the farm tax rebate application.

The issue of cost: The minister said the government will pay administration cost of registration, \$700,000 or higher. No new employees will be needed. Others say, nonsense. Processing 50,000 to 70,000 registrations is a major, complicated task. Save the taxpayers from this foolish unnecessary expense, especially since what we've been through with budget stuff since April. At that point, we were asking who pays for the processing of the return of cheques. Now we know that it will be on the onus of the farm organization.

The issue of consultation: At that point in March there had only been two short meetings with the leaders of the three organizations and only one more was planned and it never did happen.

The Chair: Mr Lloyd, if I may interrupt, you are approximate a minute and a half away from using the time allocated to you. If you would care to sum up, it would probably be helpful.

Mr Lloyd: I'm totally disorganized here. I will go from memory. I want to remind you, in conclusion, of what my first reaction was, that this was political suicide in rural Ontario and that there was only one clean way to deal with this, both from a moral and political standpoint, and that was through a vote.

1610

I just want to warn you again not to go with the OFA's agenda on this. I want to remind you of a different agenda, that there will probably be enough time with this proposal in implementation; that there will be at least one if not two registrations, and that is when the farmers will find out about this and my

neighbours down the road that we stop and chat with as our pickup trucks cross. We talk about this nonsense of passing cheques back and forth and if you don't do it, you don't get your farm tax rebate. The anger will really be in place for the next election. All I can say is, I wish you all luck if that is the scenario in the next election.

The Chair: Thank you very much, Mr Lloyd. The committee appreciates your taking the time to be with us today and expressing your views. Your views as well as everyone else's who appears before this committee are an important part of the process. Certainly, I think I can speak on behalf of the entire committee in again thanking you for taking the time to present them.

PETER DOWLING

The Chair: The next scheduled witness is Peter Dowling.

Mrs Fawcett: Mr Chairman, I want to put it on the record that the next witness, although I know him to be a fine, honest, hardworking farmer, I do believe I have a perceived conflict of interest, so I will just leave the committee at this time.

The Chair: Thank you, Mrs Fawcett.

Good afternoon and welcome. You've been allocated 30 minutes for your presentation. You can proceed at your leisure. The committee appreciates time for questions and answers out of that 30 minutes, so if you can see your way clear to provide some portion of that for dialogue among committee members and yourself, I think they would very much appreciate it.

Mr Klopp: Mr Chair, on a point of clarification, the last speaker asked about membership. I also am a member of the Catholic Rural Life Organization. I want to make it perfectly clear so I don't get nailed on that either.

The Chair: Thank you, Mr Klopp. Proceed, Mr Dowling.

Mr Peter Dowling: I want to start off by introducing myself and establishing my interest in this issue. I'm including this information to indicate that I am concerned about this issue as an active farmer and as an involved member in the National Farmers Union, a voluntary membership-independently funded GFO.

We seem a little short on committee members here.

The Vice-Chair: Please continue. There are some who are out making personal phone calls. As you know, the committee proceeds all day long, so they have to get their work in while they're proceeding, but I assure you that they do catch up with things by reading the presentations.

Mr Dowling: I do have a response to that. I guess my response is that I already feel I may be wasting my time being here and I would appreciate the interest of the committee since I have made the effort to be here.

The Vice-Chair: I assure you that those committee members who are present at this time are paying full attention.

Mr Dowling: I invest a substantial amount of my time and resources in these activities. I believe that these credentials distinguish me from those who are willing to complain without the sacrifice and commitment to a chosen organization. I have tried, in judging this legislation, to be as objective as is possible given my interests and biases. I am declaring them here. I have tried to back up my statements with credible supporting documentation. Your actions will be a measure of the success of this presentation.

I go into details of my background here, a family farm. I farm with my brother, my family, his family and my mother on a large mixed farm on Howe Island in eastern Ontario, in the Thousand Islands. I graduated from the University of Guelph with a crop science degree in 1973. We have Holstein and Blonde d'Aquitaine herds, we have forage and certified barley seed production and until recently we had a flock of sheep, up to 400 ewes, so it's fairly diverse.

In the community, I've been a township councillor for over six years in the past. I was OMAF program coordinator for a rural community leadership development program in 1991. You're probably familiar with Ten Steps to Community Action. I'm a past NFU president and at the present time the local director. In the county soil and crop improvement association I'm a director and have been the secretary-treasurer. I now hold the treasurer's position and am a local committee member.

In the province, with OMAF again, in 1989 my wife and I co-authored the 1989 4-H dairy project manual and leaders' guide. I'm a graduate of the advanced agricultural leadership program, I was the NFU representative on Minister Buchanan's advisory committee on environmental responsibility and I presented NFU concerns to the Environmental Bill of Rights task force, and quite a while ago I was an assistant ag rep with the Ontario Ministry of Agriculture and Food.

In Canada, I'm a member of the national farm financing crisis committee and I've just become a national board member-elect representing this region, to take effect in January, with the NFU.

My points of concern—I've already alluded to the first ones:

(1) I am deeply concerned that all parties within this committee have indicated broad support for this bill at the outset of the hearings, before hearing any presentations.

(2) There are several points here I want to make about the CFFO as an accredited farm organization—if you had asked me a week ago if I was going to discuss this, I would have said no. Two weeks ago I talked to

a bureaucrat at the CFFO office and he offered to send me some information explaining their position when I eventually, after the discussion, said I didn't really understand why they were involved in stable funding at all. So they sent me the information. I was going on vacation, I came back on the weekend and these are the things that concern me most about the information I saw.

I leave it to the committee to judge this information. I think there's some follow-up to be done here before proceeding with accreditation.

The CFFO is an elitist, exclusionary organization and should not be accredited as a GFO. That's the point.

While the CFFO may say in its CFFO backgrounder, page 3, "Membership...is open to all," it has limited appeal in the farming community. Continuing in the backgrounder, "We anticipate that some—perhaps many—farm families will disqualify themselves from membership because they do not wish to be as public about their" values "and faith as we are."

Further, "To date, most of our members are also members of Christian denominations of the Reformed tradition," and it lists "Christian Reformed, Canadian Reformed, Reformed Church of Canada, Free Reformed, Netherlands Reformed and others."

So, what is reformism? The CFFO sent me their clippings entitled CFFO in the News, in which this definition appeared: "Christian Reformism is based on Calvinist teachings which hold that the word of God, as told through the Bible, is law. Traditional family values are emphasized. Homosexuality and abortion are not accepted." And this is from an article in the Ottawa Citizen.

Let's consider a farmer who accepts homosexuality and abortion as facts of life, as the Ontario government does. How comfortable and welcome would this farmer feel in a GFO that ignores entire sectors of our population? While the government and courts have consistently pressed for a reduction in discrimination and the upholding of fundamental human rights, I believe that this government is on shaky ground, both morally and legally, on the question of basic human rights in proceeding with accreditation of the CFFO. I can explain this further:

(3) The CFFO is prepared to take money without granting membership rights to those who do not sign the membership agreement.

This is another point. Accreditation should not be offered to any GFO that does not offer a voting membership in return for the \$150 that farmers send in. It's a question of accountability and empowerment, an important issue with the Minister of Agriculture and Food, empowerment of the GFO, which I presume means empowerment of the farmer. The CFFO does not fit that category.

1620

Membership in the CFFO is further restricted to those who are willing to sign a membership agreement. The agreement says, "Agreeing with the basis and purpose of the Christian Farmers Federation of Ontario. I wish to support its work and become a member," and you have to sign and date your agreement.

The basis reflects the Calvinist teachings: "Basis: The organization is based on the conviction that Holy Scriptures, as the infallible word of God, is the supreme standard for all human life.... Purpose: to promote and apply Christian ideals and principles to the solution of agricultural problems and to promote the social and economic interests of its members, in order to contribute to the solutions of the problems of our society in a Christian spirit. The federation tries to achieve this goal by...organizing those farmers who agree with our basis and purpose," in other words members, and the membership is limited to people who do sign the membership agreement.

Action is "cooperating with other organizations who strive for similar goals by lawful means, provided we do not compromise our principles in so doing." I suggest that the Christian Farmers are also compromising their principles by being involved in stable funding, given their interest in and reduced intervention with government.

The "flexible" membership fee of the CFFO is at \$425, well above the GFO fee. This information that I have was two weeks old. I understand that there has been a change to reduce that to \$150 since. I wish to duly note that in the presentation.

My recent discussion with the general manager of the CFFO confirmed that the above approach will continue under stable funding. Also see the pamphlet, Farmer Registration Stable Funding and CFFO.

My concern here is an important one. Since Minister Buchanan has stated that the purpose of the stable funding is to empower farmers, the way the legislation stands, a GFO is not required to grant a membership for a compulsory fee, and you might dispute the word "compulsory," but it's clear that one must write a cheque to an organization, so it is a compulsory fee in that respect. It's also clear that one must apply for a refund, so it is compulsory to apply for a refund, doubly compulsory. This may empower the GFO, this cash flow, but it certainly does not empower the farmer. The GFO has his money but the farmer has no voice in shaping its policy direction, and in fact the policy direction could be detrimental to the interests of that farmer.

(4) Either there should be no religion-based GFOs accredited or there should be more choice of accredited, religion-based GFOs.

This committee must really scrutinize the CFFO

position as a deemed organization because of its religious basis and its membership restrictions. If you decide to allow the CFFO to continue as deemed then you must include other religion-based GFOs as deemed also. For myself, as a Catholic, I would choose the Catholic Rural Life Conference if I were choosing a religion-based GFO. This legislation should allow me that choice.

(5) Refundability is a maze for individual farmers and a means for the OFA.

The cumbersome and intrusive nature of the legislation is already disrupting recruitment efforts. Farmers are concerned about slow refunds, cash tied up in the bureaucracy and OFA arm-twisting tactics.

In one example, and I've been out on the road myself recruiting for the NFU, a farmer told me that he had intended to send his stable funding money to the NFU, but now that it was withdrawing he would have to send the fee to the OFA. I explained that he should request a refund from the OFA and then use the money for his NFU membership. He responded that it wouldn't be worth his time to try and get the money back from the OFA. He had resigned from the OFA a few years ago when they had his bank authorization. It took him two years to obtain a refund. His story indicates a lack of confidence in the refund mechanism, and this causes problems both for the farmer and for the non-accredited GFOs.

Refundability is further complicated by the very real pressure of OFA arm-twisting. In talking to two reluctant OFA members in my area during a membership drive last March, it became apparent that these farmers had only joined the OFA after feeling substantial pressure from a recruitment team which included a nearby neighbour. If you don't live in the rural community, maybe you don't appreciate the peer pressure that neighbours can apply to each other on issues such as this, and I think it's a very important one to appreciate in considering the refundability. We can argue that, "Well, all they've got to do is—if they're really serious about it, they'll get it," but they have to go through difficulties to do that.

The NFU organizer confirmed that this practice is widespread. Carl Sulliman, from the OFA, confirmed that it will continue when he told this committee last week that the OFA will be sending out a representative prior to the issuing of a refund just to see if the farmers are serious about their application for refund. Minister Buchanan has offered a full and prompt refund but as yet he has not said it will be hassle-free.

(6) Any change from refundability to non-refundability must be preceded by a vote.

Historically, refundability—you've heard this repeatedly, I'm sure, in the last two weeks—of farmers' money has eventually become non-refundability due to

the political pressures from the beneficiary of the legislated funding. The Ontario Cattlemen's Association checkoff is an example. A producer vote would be more important than ever with this eventuality.

Refundability is not the relief valve for this organization that one might think. To sit back and argue that refundability is the answer is simplistic.

(7) Stable funding has been and continues to be an OFA-owned and -controlled agenda imposed on the farming community.

Stable funding was not and may never have become an important issue for the other GFOs or for OMAF. The OFA decided that there should be one certified GFO "to represent the general farm interest." This was published in the OFA Members' Digest in 1990. This effectively drew every other GFO that was interested in its own survival into the debate, and also the Ministry of Agriculture and Food, because everyone went to the minister with their concerns about survival.

The government should be able to spot such an agenda when it sees one: The OFA has made no secret of the fact that it thinks that there should be one general farm organization, and stable funding is an essential element of that agenda.

The way the criteria presently read, it will be difficult for other GFOs which aspire to be accredited to achieve this status. Furthermore, criteria can change. My point here is, we should all be rather wary of a group which so clearly wishes to set up itself as "the one and only."

Secondly, I think it's rather simplistic to suggest that diversity of opinions within the farm community can be, and more importantly should be, melted down into one single position through one general farm organization. Such a model may appear attractive to government, but they are neglecting their responsibility to assess complex situations and determine the appropriate course of action in the public interest and the interest of all farmers. If the government will not assess these situations as elected members by the public, then who will represent the public interest?

1630

Meanwhile, there is some questionable element about the OFA itself. The OFA really has fairly lucrative stable funding bases already. They have municipal levies, they have county grants, they have federated groups, including the commodity checkoffs that come those federated groups, and they have voluntary membership. They anticipate corporate sponsorship, I noticed in the Ontario Farmer, of \$20,000 in the coming year.

This situation raises an interesting difference between the OFA and some other GFOs. The NFU, for instance, is composed of farming families and believes strongly in the importance of remaining entirely independent of corporate interests. The OFA has aligned itself too closely with commercial interests and well-funded

commodity groups. These connections limit its ability to represent the broad interests of farmers. In fact, it can't present a unified voice on commodity issues and has to disqualify itself at times from these issues.

This weakness, as an example, has led to a huge division in the farm community. The OFA had a duly passed resolution, called the Grenville resolution, to act on, but was unable to do so because of the intense pressure of the cattlemen's association. The Grenville resolution had to do with marketing of beef. The end result of this indecisive structure was that farmers were divided into yes and no camps and fought it out in a vote on beef marketing. The no side, of course—the cattlemen's side—had large amounts of government-legislated farmers' money to buy its victory in the vote. And when they ran out of funds, Minister Buchanan gave them a blank cheque to be drawn on cattle producers' bank accounts.

(8) Government cannot empower the OFA without reducing government support for commodity organizations.

Minister Buchanan undermined his wish to empower GFOs with his contradictory willingness to provide funding to the cattlemen's association to strengthen this individual commodity organization.

I'd like to bring in some points here that point out the problems with Bill 42. It does not do what it set out to do, and empowerment is one I mentioned. The farmers are not being empowered when they do not have access to membership with their \$150. Membership means a vote. Vote means you have some direction, some input into policies of an organization. Accountability: that's part of empowerment as well. Policy accountability cannot be achieved without a vote for the farmer when he sends money to an organization, and stable funding is not being achieved if we accept the argument that refundability is the panacea here. How can you have stable funding when the money that's being sent in can be demanded back? It just doesn't provide any stability to funding an organization anyway. So that being the whole purpose of the thing, it sort of negates the need for it.

There's not enough choice of GFOs. Once the NFU is amended out of the legislation, we remain with the CFFO and the OFA. The OFA's position has been that it wants to be the one GFO, and essentially it has that now. Limitations that the CFFO offers our membership and religious restrictions do not make it a viable option. So what we're talking about is a bill designed to fund one GFO, and that's unacceptable. It's extremely unfair to other GFOs and it's funding an organization that, as I explained earlier, has some serious structural problems in dealing with important issues for farmers, pocketbook issues. So the bill is no longer required.

There is too much potential for bureaucratic harassment. It is bureaucratic harassment. You have a require-

ment to send a cheque out to an organization, one of two, a very limited choice, and then you have a requirement of doing the paperwork to get that back. Quite likely that requirement will have a limited time on it, which is understandable from a farm organization point of view. But as Mr Hansen pointed out, he has a drug plan. I'm sure he does not have a limit on when he can get his money back from his drug plan.

It stifles creative problem-solving on farm issues. The reduced input of farm organizations or the melting down of opinions on farm issues will not give the Ministry of Agriculture and Food or the government enough input to make informed, useful policies on behalf of farmers and on behalf of the public.

It separates the grass roots from its leadership over time. History has already showed us this. Back in the 1960s, the OFA had a lot more stable funding than it does now through municipal levies, a lot more township participation in those. In the end, they had to work out a vote for one GFO in order to force farmers to support them. At that time the Ontario farmers' union had a huge membership because of the ineffective representation they were getting through the OFA. There was not enough flow-through of grass-roots ideas to the leadership.

The role of government to represent the public interest is neglected. This bill is an example. GFOs, mostly the OFA, have been dictating to the minister the terms of the bill. The minister must provide leadership in assessing these terms, taking into account the public interest and the interests of all farmers. This has not happened with this bill. In fact, it leaves you people with a huge responsibility to assess the bill for what it really is. The control of the bill has not been outside of the Ministry of Agriculture and the Ontario Federation of Agriculture, if you analyse the process, as I have.

Alternatives to Bill 42:

(1) Bill 42 must disappear. A bill that is as flawed as this legislation should not proceed to third reading.

(2) Minister Buchanan has stated that farm registration can be accomplished by order in council. Proceeding along these lines would provide a voter list that could be used in polling producers on their acceptance of some sort of stable funding. It would also provide OMAF with data to enhance its ability to fulfil its role in the public interest.

(3) To assist farm organizations in recruitment, OMAF could offer to mail out a specified amount of promotional material for any GFO that wishes to participate. This assistance could be given using existing mailing lists or registration lists from the registration in number 2.

This approach may be simplistic, but it accomplishes the goals of the government in an open and equitable, democratic fashion.

I hope that the experience of this committee over the last week and a half has been similar to my experience in preparing for this committee. I have found that I am saying things here today that I never thought of a week ago. This has been an evolution-of-thought experience for me and I hope it has been for you. I urge this committee to reconsider its support for Bill 42. No principled politician or political party should associate itself with such a convoluted, intrusive piece of legislation.

1640

The Chair: Thank you very much. The committee appreciates you taking the time to make your presentation this afternoon. The full half-hour that you have been allocated has been used up. On behalf of the committee, I would like to express our thanks for so effectively articulating what is obviously very well thought out and sort of soul-searching in terms of what should be done. I appreciate that and I appreciate your candour. On behalf of the committee, thank you very much.

Mr Dowling: The next speaker, Raye-Anne Briscoe, asked me to bring her regrets. Her mother has been very ill for the last little while and she has taken a turn for the worse. It's unfortunate that she wasn't able to attend. Being, I guess, an elder in the farm politics movement, I think she could have provided some very useful insight to this committee. I think it's everyone's loss that she is not able to attend.

The Chair: Thank you very much for conveying that. If there is unanimous consent in the committee with that in mind, we have approximately 10 or 15 minutes or so if there are some questions that committee members may want to ask in the absence of Ms Briscoe. Is there unanimous consent? Agreed.

Mr Hope: There are some technical questions. Are you allowing me to go ahead? Because I brought this out dealing with section—

Mr Gary Wilson: Of the response?

Mr Hope: Yes, because it deals with his presentation, and also I need clarification, which is brought out. Under section 7, we identified the already accredited farm organizations which are in the bill, but one will be removed from that process. In section 8 of the bill, subsection (3) says that they are deemed automatically accredited and are excluded from the tribunal.

I've taken a personal interest in trying to figure this thing out. Listening to the presentation only reaffirms what I've been trying to cope out, because there is no proposed accreditation format that has been laid out under that process to the tribunal. With the concerns that have just been raised by the presenter around the Christian Farmers, if they're in violation, under the accreditation, does the Human Rights Code have to be upheld? And if so, doesn't that then allow the policies

of the Christian Farmers Federation the right to violate the Human Rights Code? Because that's where my understanding is in some research that I've done which the previous Attorney General, Ian Scott of the Liberal government, had serious problems with.

The Chair: I appreciate your concern on the issue, but I would really strongly urge you to take advantage of the witness who is here, and if you have questions to direct at the witness, I would appreciate that that is a priority. I understand the issues that can be dealt with when the witness is not here. The gentleman is here to answer questions and provide public input, not as a spectator but as a participant. I would appreciate if there are questions you could direct to the witness; it would be most helpful.

Mr Hope: I just found it interesting that the comments he made were something that I've already researched and was going to bring up today.

The Chair: Thank you, Mr Hope. Further questions? Mr Villeneuve.

Mr Villeneuve: Maybe just a little bit of clarification. I want to thank Mr Dowling for his presentation. I do have a copy of the CFFO, Christian Farmers Federation of Ontario, presentation of August 24 last. In there it says they will reduce their membership by \$150. It presently is \$425. They're not reducing to \$150.

Mr Dowling: That's the information I've seen as well, but I just heard that they had decided to reduce to \$150. Now, that has to be confirmed; I would say that.

Mr Villeneuve: They're reducing by \$150.

Mr Dowling: Yes, I understood that.

Mr Villeneuve: On their membership, and this is in pretty bold letters here, it reads as follows:

"Membership in the CFFO is open to all. We anticipate that some, perhaps many, farm families will disqualify themselves from membership because they do not wish to be as public about their value as faith as we are. As a confessional organization, we look to the Christian scriptures for guidance, for life and thought. We set no membership standards, but challenge those considering membership to join us in working out the implications of the Christian gospel for farm practice and farm policies."

They refuse no one.

Mr Dowling: Well, they do refuse people who don't sign the agreement of membership. The 1993 application form is the reference I have in my material, and in order to become a member you have to sign a membership agreement which outlines the basis of the organization, which is Calvinist teachings.

Mr Villeneuve: We may well need further clarification.

Mr Dowling: I really don't know that I can carry this too much further for you. I think it's up to you to

take what I've said and research it yourselves. I don't have any more information on it. You obviously have as much as I do. The information I was sent was in a small envelope. It just upset me that that was the way it was reading.

Mr Villeneuve: Do you feel if the Catholic Rural Life Conference wanted to become a GFO that it couldn't qualify?

Mr Dowling: No organization can qualify if there is \$150 already going to another organization. Who is going to spend \$300 to be in two organizations? There are members right here who said they couldn't afford to—

Mr Villeneuve: That's not it.

Mr Dowling: I have to tell you that I have a train to catch at 6 o'clock.

The Chair: I could have a very quick question from Mr Cleary if he pays attention to your time constraints.

Mr Cleary: Thank you, Mr Chairman, and thank you for your presentation. Are you opposed to the farm registration part of it?

Mr Dowling: Not per se, but it can be done by order in council; we do not need a bill.

Mr Cleary: So I take it that your main objection to this bill is just that there won't be a vote on it, is that correct?

Mr Dowling: It would improve the legislation to have had a vote on it, but there are problems with it. I've gone through them. The idea of accountability has got to be there, no matter how you vote; empowerment has got to be there. They're not. The minister says that's what he wants, but they're not in the bill.

Mr Cleary: I don't want to delay you if you've got a train to catch.

The Chair: Thank you again, Mr Dowling. Please pass along our regrets to Ms Briscoe, because I was looking forward to seeing her in the committee.

Mr Dowling: I'll do that.

The Chair: There are some ministry clarification issues that need to be dealt with. Mr Klopp, you had one you wished to raise. Mr Hope, I believe you have an issue as well.

Mr Klopp: Just to make very clear that there's refundability in this bill; in other words, if you wish to have your own organization and make it, you now have the position to refund your money to go to any other farm organization. I want to make that clear. In fact, the bill does not preclude any organization from becoming accredited down the road, and I want to make that point also very clear.

Mr Hope: Back to the presentation that was made, I find it very coincidental that it's the issue I've been working on and which I brought up on the first day of presentations around this bill, dealing with section 7 and

section 8. I'm wondering whether, in the tribunal's accreditation process, it is looking at the obligations of the Human Rights Code, and if so, whether subsection 8(3) precludes the Christian Farmers Federation from that examination and that right, because in their policy they will not hire a homosexual.

Mr Klopp: The deputy has an answer. I know she'll do a good job, but just in case, I'll follow up.

Ms Burak: I'd like to answer the question in a general way, and then perhaps if Mr Hope has additional questions I could get some assistance from legal counsel. The first point is that the Ministry of the Attorney General, which has experts to ensure that any legislation the government tables would not be in contravention of the Human Rights Code or the Canadian Human Rights Act, has agreed that this does not contravene those pieces of legislation, and I would imagine it's based on the way the whole legislation is constructed. It is, again, a mandatory registration system and a voluntary refundable stable funding mechanism. So the general answer is no, the ministry does not believe that anything in this legislation contravenes the Human Rights Act.

1650

Mr Hope: I was not alluding to anything in the legislation that contravenes it. What I'm saying is you have a section 7 which currently identifies three farm organizations which will identify two farm organizations. It says in subsection 8(3) that those farm organizations in section 7 will not be brought before the tribunal on their policies in the accreditation. I give you the example that the Christian Farmers Federation some years ago stated it could not support the policy that farmers in hiring employees not discriminate on the basis of sexual orientation. Will the tribunal insist that the CFFO change its policy or lose its accreditation? They cannot lose their accreditation because they are given diplomatic immunity under subsection 8(3).

Ms Burak: The three named organizations are grandfathered into the legislation and the payment of the fee is refundable. It is on the basis of that that we're saying their being named in the legislation, their being grandfathered and not having to withstand a review for the three-year period does not contravene the code.

Mr Hope: A farm organization has a policy that directly goes against the Human Rights Code of Ontario. It discriminates on the basis of sexual orientation.

Mr Klopp: Maybe I can help out. The Attorney General has been in consultation with us on this bill from day one. In fact, you even brought out that the past government used that argument for stopping the issue from going forward.

But I can only go by where we're at. Ever since day one, when we've been looking at this bill or looking at

any bill regarding stable funding, we've had the Attorney General very much involved in this. Our legal counsel's been a real stickler with all the organizations, as they should be, on making sure that we are following the laws of this country and this province. In their legal opinion, the way the act now reads, including what you see in section 8, including what you see in section 7, they feel that this is indeed legal and does not contravene the concerns you have, which we all have.

Mr Hope: Excuse me. I understand that everything in the act is legally correct. There is a problem that one of the farm organizations that is being identified in the legislation has a policy that goes against the Human Rights Code. It's nothing in the legislation. You have identified a farm organization which is allowed diplomatic immunity under subsection 8(3) of the act. That section says it cannot be brought before the tribunal under the accreditation; it's already grandfathered in and it's received its accreditation and away it goes for three years. But that organization has a policy which is against the Human Rights Code: It discriminates. I might have a preference for hiring somebody with a different sexual preference and I can't hire them, and that group can pull my thing out and I can't bring them before the tribunal for misrepresentation or whatever. That's what I'm getting at. The legalese of the legislation is right on, but there is a policy of a farm organization that you've named in this legislation that could violate somebody's human rights.

The Chair: Does the ministry wish to respond?

Ms Burak: I don't know what more I can say other than the three organizations are named. Membership in those organizations is not compelled. You don't have to become a member of these organizations to register and comply with the act. I think in his introductory remarks the minister made a general reference to the rationale for naming these three organizations, their lengthy history and involvement in general farm issues in the province. Beyond that, I'm sorry, Mr Hope, I can't give you further clarification.

Mr Hope: The other thing, Mr Chair, which I was wondering about—and sorry for taking up the time—is that back on the first and second day of these public hearings, I requested a number of pieces of information. To this hour, which is 5 minutes to 5 of the last day of the public hearing process, I have not received that information I requested and which is indicated in Hansard; I don't remember everything I say, as I've been working between two committees.

Mr Klopp: Thank you for your time. We do have the information here. We don't have all of it here; it's a lot of information. The deputy, if she wants, can go through it with you and explain it to you or just give it to you, whatever you wish to do.

Mr Hope: I'll take it and read it tonight while I'm watching the reruns of the WWF wrestling from last night.

Mr Klopp: Thank you. We have some amendments we'd like to—

The Chair: Just hang on, Mr Klopp. As they say, we won't put the cart too far in front of the horse.

Thank you very much. I hope those responses satisfy some of your concerns. If they do not, Mr Hope, you are well aware of the clause-by-clause process which begins tomorrow. I think some of the issues that are being raised are properly disposed of in that venue.

There is a question of amendments. I understand that all three parties have their amendments to Bill 42 ready and are prepared to table them. If they would do so at this time, if we can get unanimous consent to do that, that will make it much easier for the clerk to compile what has to be compiled for tomorrow.

There is another issue I would like unanimous consent on from the committee: that we have a cutoff time for amendments of noon tomorrow. In other words, what I'm asking is that all amendments that are ready be tabled now from all three parties, with a cutoff of noon tomorrow for any additional amendments. Is that agreed?

Interjection: I can't agree.

Mr Cooper: There may be problems with that, because I know certain things have come up during the clause-by-clause process where additional amendments have been needed, and if we have a cutoff that doesn't allow that, we may run into difficulties.

The Chair: This is the tabling of the initial amendments. There is a set of amendments that is being prepared after the hearings, and if there are other amendments that come out of the clause-by-clause process, that's a different issue. So if we could have the tabling of the initial amendments, if they're all ready now, I don't need to worry about a noon cutoff. Is that agreed?

Mr Murdoch: You want them by noon.

Mr Fawcett: That doesn't preclude extra ones coming in, but we do have—

The Chair: If they're all ready now in terms of your initial amendments, then we'll table them all now and we'll make our lives a lot easier, if that's agreeable. Agreed? It's agreed. Then we will table amendments from all three parties. You can give them to the clerk. Everyone understands that this is the tabling of the initial amendments, and if there is reason for further amendments as the clause-by-clause process goes on, this does not negate that process.

We are adjourned till 10 am tomorrow morning.

The committee adjourned at 1659.

CONTENTS

Tuesday 31 August 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42	R-161
Russ Danbrook	R-161
Carl W. Bolton	R-170
Bruce County Federation of Agriculture	R-176
Thomas M. Sweiger, member	
Lloyd Graham, member	
Byron Monk, president	
Robert A. Bregman, member	
John and Elizabeth Drudge	R-180
Union des cultivateurs franco-ontariens	R-185
André Chabot, président générale	
Pierre Glaude, secrétaire	
Canadian Federation of Independent Business	R-190
Catherine Swift, senior vice-president	
Judith Andrew, director, provincial policy	
Richard Lloyd	R-195
Peter Dowling	R-200

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- ***Chair / Président:** Huget, Bob (Sarnia ND)
- ***Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)
- Conway, Sean G. (Renfrew North/-Nord L)
- *Fawcett, Joan M. (Northumberland L)
- Jordan, Leo (Lanark-Renfrew PC)
- *Klopp, Paul (Huron ND)
- Murdock, Sharon (Sudbury ND)
- *Offer, Steven (Mississauga North/-Nord L)
- Turnbull, David (York Mills PC)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway
Hansen, Ron (Lincoln ND) for Ms Murdock
Murdoch, Bill (Grey-Owen Sound PC) for Mr Jordan
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr Turnbull

Also taking part / Autres participants et participantes:

Ministry of Agriculture and Food:
 Burak, Rita, deputy minister
 Stratford, Louise, director, legal services
Haslam, Karen (Perth ND)
Hope, Randy R. (Chatham-Kent ND)

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Richmond, Jerry, research officer, Legislative Research Service

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Wednesday 1 September 1993

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Mercredi 1 septembre 1993

**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

**Farm Registration
and Farm Organizations
Funding Act, 1993**



**Loi de 1993 sur l'inscription
des entreprises agricoles
et le financement
des organismes agricoles**

Chair: Bob Huget
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LEGISLATIVE ASSEMBLY OF ONTARIO

R-207

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 1 September 1993

The committee met at 1024 in the Huron Room, Macdonald Block, Toronto.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Chair (Mr Bob Huget): We are proceeding with clause-by-clause analysis of Bill 42. Before we begin that, I would like to put on the record that subsequent to the committee hearings, some concerns last week from witnesses about the potential of conflict of interest by some members of this committee who belong to a designated farm organization, the subcommittee last Thursday agreed to request a ruling from the Conflict of Interest Commissioner to decide that issue. We have not as yet received that ruling, and pending that ruling it was agreed this morning that therefore there will be no votes on the sections until we get that ruling from the Conflict of Interest Commissioner. Are there any comments from any committee members?

Mr Allan K. McLean (Simcoe East): What's your definition of "conflict"?

The Chair: That is to be determined by the Conflict of Interest Commissioner.

Mr Daniel Waters (Muskoka-Georgian Bay): Exactly what does that leave us to do in clause-by-clause if we're not allowed to vote?

The Chair: The votes are stacked pending a ruling from the Conflict of Interest Commissioner. We're expecting the ruling very shortly.

Mr Waters: It isn't something that we're expecting next week or something like this?

The Chair: No, Mr Waters, I believe they are fully cognizant of the situation and indeed have endeavoured to provide it as quickly as possible.

We will then proceed to section 1 of the bill. Any discussion on section 1? On section 1 it is agreed the vote is stacked.

Section 2 of the bill?

Mr Paul Klopp (Huron): We have an amendment for that.

The Chair: There is a government amendment?

Mr Mike Cooper (Kitchener-Wilmot): Do you want me to move it or are you going to move it?

Mr Klopp: You go ahead.

Mr Cooper: I move that section 2 of the bill be amended by adding the following subsections:

"Time for registration

"(4) The farming business registration form shall be filed on the dates prescribed, or ascertained by a method or under criteria prescribed, by a regulation made under this section.

"Regulations

"(5) The minister may make regulations prescribing,

"(a) dates or methods of ascertaining dates for filing farming business registration forms;

"(b) criteria for selecting different filing dates; and

"(c) classes of registrants.

"Same

"(6) A regulation made under subsection (5) may prescribe,

"(a) different dates for different registrants or classes of registrants based on any criteria that are prescribed; or

"(b) different methods of determining dates for different registrants or classes of registrants."

The Chair: Discussion?

Mr Steven Offer (Mississauga North): I'd like to just get a response by the government as to why this amendment has been brought forward at this time.

Mr Klopp: I'll give a general answer and if you need more we have the legal counsel here. Over the last number of weeks and during even the committee hearings, a number of people have brought up the issue of what happens if you have 70,000 all in one week and then the issue of paying promptly and those kinds of issues. We felt after hearing the discussions that we needed to clear this up and allow the opportunity for the registrations to be staggered. The bill wasn't clear enough on that, so this allows through the regs some flexibility with farm groups that wish to become accredited.

Mr Offer: I understand that the amendment was directed towards the staggering of applications. I guess my question is, behind that amendment, are there going to be different registration days? This was a matter that was brought up in the committee earlier on more than

one occasion as to whether it was going to be, for instance, a big group coming in January 1 or whether the government was prepared to follow a model such as drivers' licences, where it's staggered throughout the year, and we received no information on that. I do not know if the GFOs are aware of this and I'd like to get a little bit further information on what I perceive as a significant administrative change at this point in time.

Mr Klopp: I'll let the deputy or Rolly respond.

Ms Rita Burak: Maybe I could just start. Rolly, do we have a handout for members?

Mr Rolly Stroeter: Yes. Do you want to do that now?

Ms Burak: What we'd like to do is give you, just further to Mr Offer's question, a bit more information on the potential time frames for beginning the registration process, especially the first time around, given what we know today about possible passage and so on. I think this presentation would answer some of your questions, and I can confirm as well that we have had very detailed discussions with the farm organizations about this.

The Chair: Before you begin, may I suggest that the government motions likely all have a rationale, and if the parliamentary assistant would get into that rationale when he moves the motion, it would be extremely helpful. I would also ask legal counsel to perhaps join Mr Stroeter at the table here. I think no doubt at some point in time you'll be requested to answer a question or two and it'll save you some miles.

1030

Mr Stroeter: These are potential time frames. This is not cast in stone. This is just a what if kind of scenario. We have discussed this with the general farm organizations and we have not at this point agreed to a specific way of doing it. We have looked at various options and this is to show you how it potentially could work.

The first assumption is that, let's say, if third reading happens by the end of October—let's start off with that time frame—then regulations could be filed by the third week in November. This would mean we wouldn't have the authority to mail registration forms until the regulations are filed, end of November, so the very earliest we could start mailing the forms would be in December 1993.

As you appreciate, the options here are that clearly we could mail, let's say, 80,000 or 100,000 forms all at once and then sit back and be deluged by the response or we could phase this over a three- or four-month period and stagger them so that when the returns come in we can actually process them and get the cheques to the GFOs promptly, as legislation requires us to do. So we are very seriously considering a phase-in process over several months.

The first group of farmers could register in January 1994. We would anticipate that farmers should have at least 60 days to return their form. Allowing for mail back and forth and delays, they have 60 days to study this, fill in the information and return it to the ministry. So the first group could be registered by January 1994 some time. They would then be issued valid registration numbers at that time and we would mail and confirm these registration numbers to the farm businesses.

We will be developing an expedited process, particularly the first time around, because, as you appreciate, there's a fair bit of information. Although the form is simple and it's only two pages, and with shareholder information three, there are still a lot of data that have to be entered. If we anticipate 50,000 to 60,000 farm businesses to provide us with the data, this is clearly a sizeable administrative task. The expedited process would allow us to only take the business name, address and telephone number of the contact and issue the number if the payment appears to be correct and if the rest of the information appears to be there and then promptly hand over the cheque with this very basic information to the farm organizations so that they can run the payments through their banking system.

This expedited process, even at very busy times, we see as four weeks or less. Our farm tax rebate program, which is the ministry's largest program and serves over 110,000 clients, we manage to deal with in a six- to eight-week turnaround time, so we're quite confident that we can meet this time frame of the expedited process of four weeks or less.

The farm organizations then would receive their first cheques and payments in January 1994. They in turn would be required to acknowledge receipt of the payment and send any kind of membership information on to the farm business and disclose also at that time the refund policy.

The government is proposing through regulation to stipulate that refunds should be requested within 60 days of the payment actually having cleared the bank. The advantage of this is that there's a record of this. If there's any dispute about the 60 days, there's an official record of this both with the farmer through the bank statement—if it is done by other method of payment, there's a date there—and the farm organizations also know very clearly when the 60 days start to count.

The last group, under a staggered system, if we spread it over three to four months, would be registered by April 1994. Valid numbers then would be required for the farm tax rebate program for the fall of 1994. So that's how we see the potential time frame and the potential startup.

This regulation really allows the minister the flexibility to, after having discussed this in more detail with the farm organizations—because clearly you appreciate that the impact on the farm organizations is greater than on

the ministry in accommodating this change. They have to staff up, they have to have computer systems in place, so clearly this has to be a process where both parties have to work closely together. So this regulation gives the minister the flexibility to set the precise dates and precise ways of implementing this system.

Mr Offer: I have some questions about this. Just to say, I would have thought that the administrative decision as to how the forms are going out and how you're going to deal with this in this coming year would have already been decided. I recognize that you wouldn't know the dates, but I would have expected that the format, the framework would have already been decided and understood by all the GFOs, as opposed to at this point in time. I say that only by way of comment. In your time frames, I see that the issue of the tribunal is not there. The tribunal, as you know, has a great deal of power and will be deciding some important things and I don't see them in this.

I also would like to know that as registration is a precondition to get the farm tax rebate, is it understood that in the year 1994, after the bill has been passed, not having a registration number because of the staggering will not be a bar to individuals obtaining the farm tax rebate? In essence, I think, how can you expect a farmer to get a registration number when they cannot get a registration number and then say, "You're barred from the farm tax rebate"?

Mr Stroeter: As I'm suggesting, the valid numbers would only be required for the 1994 program onwards. Those applications will not be sent out till September 1994. In the 1993 program, normally applications are sent some time during the month of September, and by December 1993 probably 80% of the rebates will have been paid for the 1993 program. So clearly, this would impact next year's program, not this year's program.

On the issue of the tribunal, as you are aware, there's a government process of establishing tribunals according to the rules of Management Board secretariat. We have to go to the secretariat and obtain permission, we have to go through the selection process and that takes normally two to three months at least. As long as the tribunal is operational by the first due date—and the earliest due date that we foresee in this scenario would be January 1994—it's not required to make any decision until that point in time.

Mr Offer: But isn't it somewhat optimistic to think there's going to be a tribunal selected, up and running, ready to make decisions by January?

Ms Burak: We are confident that we can do this. As I think Mr Stroeter pointed out, these time frames will move depending on when the bill is passed, so it all kicks in from when the bill is passed. If the bill isn't passed until some time in November, then all these time frames move down. But establishing the tribunal is possible by January.

1040

Mr Offer: But even if it's passed in October, the potential members of the tribunal, would they not be coming before, for instance—firstly, there would be a selection process of some kind. Wouldn't they be coming before the legislative committee for discussion? I understand there's a whole process here. I won't dwell on it at all except to say that this is an administrative framework which was brought up earlier in the committee which I thought wasn't going to be put in the bill.

My last question at this point is, under the regulations, you have now put in classes of registrants. What is that?

Ms Louise Stratford: This is in contemplation of the fact that we might want to group people according to some method and have them all register by a certain date; for example, alphabetically. We may have a class of people who are required to register on a certain date if their surnames fall within the first 10 letters of the alphabet and so on. We're trying to give flexibility here to the ministry to devise a system that's workable.

Mr Offer: I think Mr Villeneuve has a question, but I would like to know how the GFOs—we're talking about an issue called stable funding, and now this is staggered funding, because if you're going to stagger it, the GFOs just will not receive the dollars as they had potentially anticipated.

Mr Stroeter: This wasn't devised by myself in a dark room; this was devised in consultation with the GFO leaders—over the last six months we have discussed these issues. We have been working on the technical implementation of this for a year and a half. So none of this is half-baked or very recent; there have been significant discussions to this and, too, GFOs are fully aware of these proposals and these options and are in agreement with them.

Mr Offer: My final comment is that if that were the case, I certainly, as a member of the committee, would have appreciated the minister indicating this potential administrative brain work when he gave a briefing to the committee on the first day.

Mr McLean: He didn't know.

Mr Offer: He just said he knew.

Mr Stroeter: My only comment is that the administrative framework isn't part of Bill 42; a lot of it is left to regulation on purpose because we have to prescribe many details. So these hearings are about Bill 42. I think we have concentrated on that.

The Chair: Mr Villeneuve, before you proceed, I'd like to welcome Mr McLean, who is the member for Simcoe East, to the committee this morning. I know Mr McLean has a very deep and real interest in agricultural issues. Welcome.

Mr Noble Villeneuve (S-D-G & East Grenville): I too had some questions on classes of registrants. I

know it will be staggered funding. I know my cheque to the OFA—and I've never hidden the fact that I was a member of the OFA—comes out on January 15. I do know that as memberships are sold, that is the date of renewal throughout the year.

My question is, if my date of renewal was at the end of September, I will then have been moved to January, February, March or April in order to qualify for the farm tax rebate and whatever other. Would there be some prorating of the moneys that would be overlapping at that point? Let's assume that someone paid their \$150 as an existing member of the OFA in November or December and then is again billed in January or February or March. Would there be some prorating there?

Mr Stroeter: This issue has been discussed between the two farm organizations, and their views are that we should phase this in the way it makes most sense and then leave the GFOs to issue refunds to those members who in fact had overpaid. Administratively, that probably would be the cleanest.

Mr Villeneuve: I too had a question on classes of registrants. I think the solicitor clarified that. A further question: Will further classes be determined at the ministry level as to who belongs to OFA, who belongs to CFFO, who may belong to another organization which may join the group, who requests their money be refunded and the religious objectors?

Mr Stroeter: That's not the intent of these classes. The intent here is really just to determine how we're going to register and what the startup procedures will be. For mailing purposes, will it be three groups, four groups? Will it be by geography? Will it be by alpha? Will it be by another code? There is no class of member other than that. We will clearly hand on the names and addresses of the farm businesses that selected the OFA only to the OFA; those that selected the CFFO only to the CFFO; and religious objectors, if they are entitled to program benefits, clearly we need to know who they are.

Mr Villeneuve: The religious objectors will probably create quite a discussion. Pursuant to the bishop's presentation yesterday, I'm not sure if it clarified or confused my thinking, but I know there will be quite extensive discussion. I just don't want to see classes of farmers: those who belong to one organization, those who belong to another, those who request a refund and those who have religious problems. I have no problem with the classes as long as they're alphabetical, geographical, simply to assist in the bureaucracy.

The Chair: Further discussion on section 2 of the bill? As agreed, the vote on section 2 is stacked.

Section 3 of the bill: There is a Liberal amendment. Who's moving it?

Mr John C. Cleary (Cornwall): I can move it. I move that section 3 of the bill be amended by adding

the following subsection:

"Limitation

"(2) The information received under this act shall not be used to monitor or regulate compliance with any act or regulation."

The Chair: Discussion.

Mr Cleary: There's a lot of concern in the farming community that once this information is received on the registration form it could be used for environmental purposes or some other purposes.

Mr Klopp: How do you mean? I'm not sure if I understand, then. I apologize. We don't support your amendment, but—

Mr Cleary: Well, we knew that.

Mr Klopp: —section 3 is there for the ministry to use, and it's protected under the Freedom of Information and Protection of Privacy Act so no one else will get hold of it, like some environmental group or something that could grab the information and use it for or against farmers. It's not going to be out of the ministry's hands.

Mrs Joan M. Fawcett (Northumberland): But could it be forwarded to another ministry? I think that's what we want the assurance of: that, let's say, the Ministry of Environment and Energy wouldn't use some of this to then come down and penalize, and also the Ministry of Natural Resources. There are farmers that have had undue hardship because of certain regulations in Environment and Natural Resources and have come under some problems.

Mr Klopp: Sure. Okay, I'll let the deputy step in, but I think the form that we've all basically seen is very generic stuff, and it's there as a snapshot to help OMAF in policies with pork producers or with anything else, whenever other groups are coming in. I don't think that would be a problem anyway, but I'll doublecheck. The deputy has been in this a long time and cross-references with other deputies.

1050

Ms Burak: Maybe I can give the committee members insight into the discussions around this section. We consciously discussed with the farm organizations and with the minister the full range of options around what you do with the information collected on the registration form. The minister made a very conscious policy decision that it should be used only for the collection of broad information that could be used in aggregate to assist us in some way for policy development purposes.

We've attempted in the legislation—I'll have to rely on legal counsel to help me here—to ensure that there cannot be any crossover—not to any program within our ministry, to begin with—because some farmers were concerned for the potential for us to use that to hold back, for example, the crop insurance cheque. We are making a conscious decision in policy and in law not to do that, and certainly not to have any crossover to any

other ministry. So I want to give you the fullest assurance that that is both the intent and, we believe, the legal safety that we have here.

Mrs Fawcett: I appreciate that and I thank you. I really do believe that is exactly what you mean, but I guess, by putting it in the form of a motion, that would really ensure that that's exactly what would happen, and that is the reason we decided to move this motion.

Mr Cleary: There is a big concern out there for many farmers that it will be used for other purposes and I don't know how we get across to them that this won't be the case.

Ms Stratford: The Freedom of Information and Protection of Privacy Act really does serve as a very good protection and safeguard here. That legislation would prevent the ministry from disclosing personal information to any other institution, and any other ministry constitutes an institution, so there is a strict prohibition and no way to get around that.

In terms of using the information inside the ministry, you can only use, under the terms of the privacy legislation, information that you collect for the purpose that you're collecting it for. We are collecting, as section 3 indicates, just for certain purposes and the purposes don't envisage compliance with any other type of program. Really, this type of provision you suggest would indeed not go as far as the protection of privacy legislation that's there already and that, I suggest, would be a very adequate safeguard.

Mr Ron Hansen (Lincoln): Just one question that I'd like to ask the Liberals on their amendment is, what was on the draft form of filling out that would raise this question? It has to be the information that is collected. Was there a particular question that was on this form that was felt—I saw telephone, name and type of product raised and how many acres and it was income area and education. It didn't seem to really come down that there was any real information there. Just that there is a question; maybe that question will be taken off if there's a feeling.

Mr Cleary: We don't know what's going to be on that form yet. We've had a hard time even getting to see the draft form, so why shouldn't there be concerns out in the community? Many of the presenters didn't even see the form. With the attitudes people have towards governments any more, they're very sceptical of what you're after and there's a lot of concern. You're going to have a lot of selling to do to get that information that the legal people told us out to the farming community and all organizations.

Mr Villeneuve: My only concern with this particular amendment is that I don't know whether it would prohibit, say, a commodity group that supports the Ontario Federation of Agriculture, the Christian Farmers Federation of Ontario or whatever—let's use an

example. The pork producers need information that may well be available from an accumulation of all pork producers, general information on the pork industry, the investment in the pork industry or whatever. Would this amendment prevent a commodity group from obtaining information about the industry it is representing?

Mr Klopp: From the government you mean?

Mr Villeneuve: From the government.

Mr Klopp: I'll get the real legal opinion.

Ms Stratford: I suggest that it probably would. The word "information" is not defined. It's any information, whether attached to a personal identifier or not. This would be a strict prohibition on sharing anything at all if it could be linked to monitoring compliance with the act and regulations. One would have to ascertain the motivation for the request and somehow make a determination whether that would involve compliance, and then if so, no information at all received could be shared.

Mr Villeneuve: So the pork producers at present can go the freedom of information act and say, "We need X, Y, Z on the pork producers registered with the government of Ontario regarding the industry." It would be available to them now. It would not likely be available to them if this amendment were to be in place.

Ms Stratford: It would depend why they wanted it. This section requires someone to make a judgement as to what the ultimate use of the information will be when it comes into the hands of the requester. It would be very difficult in fact to assess that it wouldn't infringe this.

Mr Cleary: I'm a little bit confused here. "The information received under this act shall not be used to monitor or regulate compliance with any act or regulation." How would that differ with the pork producers than what the bill states now?

Ms Stratford: The way the bill reads now, the ministry is confined to using information in certain ways. Freedom of information legislation prohibits the ministry from disclosing personal information. Non-personal information, information that doesn't contain a personal identifier of any kind, aggregate information, statistical information and so on, wouldn't fall under the freedom of information act because it's not linked with anyone. That kind of information would currently be available under a freedom of information request under the proposed motion. Since the information isn't described as personal, it's just any information.

It's more difficult to define what now would be prohibited, and one would have to know because the disclosure here can't be used for monitoring or regulating compliance. You wouldn't be able to share the information if it was possible to use it in that way. As I've said, I'm not sure how you would determine if the requester had that in mind. I don't know that one would

feel very confident in disclosing any information at all, not knowing the ultimate motivation, in that you might end up in breach of the provision.

The Chair: Mr Klopp, do you have something further to add to that?

Mr Klopp: John, for the amendment, the concern is out there and the farm communities always had that about information. I think legal counsel has assured us and I think your point about a selling job—there always has to be a selling job. Everybody has to be cognizant of that, farm groups and government and any other public organizations, but I think legal counsel has done a fair in-depth review on this. That's why we can't support your motion and why we think our section 3 covers all the bases as well as possible.

Mr Villeneuve: Just as a supplementary to that, some such rudimentary information as the pork board may want to know how many pork producers are registered, simply to compare with what they have: If this would exclude that—I certainly don't want the information to go out lickety-split, but I also want it to be beneficial to the people it's there to help.

Mr Klopp: I think you make a good point. That's what this is all about.

The Chair: Any further discussion on Mr Cleary's amendment? Any further discussion on section 3 of the bill? As agreed, the vote on Mr Cleary's amendment is stacked as is the vote on section 3 of the bill.

We will move to section 4 of the bill. There are government motions, I believe. Starting with the first one, Mr Klopp, perhaps you could read the motion into the record.

1100

Mr Klopp: I move that subsection 4(2) of the bill be struck out and the following substituted:

"Renewal

"(2) Any accredited farm organization may apply to the tribunal for a renewal of its accreditation if it does so during the period prescribed.

"Preserving status

"(2.1) The accreditation of a farm organization that applies for a renewal of the accreditation during the prescribed period remains in effect until the tribunal makes its order pursuant to the application."

The Chair: Do you have a rationale for your motion, Mr Klopp?

Mr Klopp: Subsection 4(1) allows any organization that represents farmers in Ontario to apply to the tribunal for accreditation. Subsection (2) further amends the clarifying of the words concerning the time period within which renewal applications may be made. Subsection (2.1) is added to preserve the accreditation of an organization pending the tribunal's consideration of its renewal application. This is to ensure that the

accreditation will not lapse in the event the tribunal is delayed in making an order on the renewal application. Both the OFA and the CFFO have requested this amendment.

Mr Offer: I have no problem with subsection (2.1).

With respect to the renewal under subsection (2), the government took out the words "during the prescribed period immediately before its accreditation expires" and has not really replaced that with anything. Basically, under the bill, a group can move for accreditation before a tribunal, and if it is granted, that accreditation lasts for a period of three years. That organization can apply for a renewal of the accreditation.

There are two questions that come up. Firstly, on a renewal, is the renewal period the same as the initial period, and does that have to be in the legislation? Many times on first application and approval, it is for three years. Renewals may be for a different time period. Is there the necessity for clarity in the legislation that renewals are also for periods of a certain amount of time? It may be in the legislation.

The second point is, why can't the bill specifically indicate to accredited GFOs that if they wish to apply for a renewal, they must make that application six months prior to their period expiring? It provides certainty to the GFO; it provides certainty to the members under the GFO; it provides a more realistic and more orderly manner in which the tribunal can order its own affairs. What is the problem in saying a particular date?

Mr Stroeter: Mr Offer, we agree with your second point, that indeed it would be very orderly if GFOs would know exactly what would be the time period in which they should apply for accreditation, number one, so that it's clear to them, and number two, to allow adequate time for the tribunal to make a decision and to make a considered decision and to hold a hearing.

What we are proposing in subsection (2) is really to prescribe this in regulation, and the period to be prescribed is precisely to be the one that you suggested, six months. We will go a little bit further. We want to say that they should apply not before nine months but within six months. The reason, which goes to your first point, is that the renewal is always on a three-year period. We don't want somebody to apply after one year, for example, and seek renewal, because it's an unnecessary workload for the tribunal. That's why we plan to have a six- and nine-month window in regulation to signal very clearly to GFOs: "Please apply within that time frame. If you do, we guarantee you a decision."

Subsection (2.1) indicates that if for some reason the tribunal doesn't make the decision exactly within that six-month time period, the accreditation does not lapse.

Mr Offer: I have no problem with (2.1).

Mr Stroeter: Why in regulation—

Mr Offer: You've assumed my question, and properly so. Why, if you're agreed that it's going to be six months—and I just chose that—and nine months, that time frame—what is the problem in putting it in legislation so that other organizations, that may not yet be accredited but may very well be, can look to the legislation as opposed to the regulation? I just have a feeling that more people read the legislation as opposed to the regulation part, and see, "Oh, this is the route that we have to follow."

If the object is certainty and clarity, I personally have no problem with the six months. Why is there a problem in putting this in legislation? Regulation can be changed outside of this process, and there are an awful lot of people in the Legislature, on all sides of the House, who have some real expertise on farming matters, on the way farming organizations work. Why would you deal all of those people out in terms of making any changes here? I find it problematic.

The last thing is, could you also just show where in a renewal that it's three years? I just can't find it quickly in the legislation.

Ms Stratford: It doesn't specifically address renewals in terms of lengths of time. Section 6 would apply in the case of a renewal because it applies any time the tribunal is looking at accreditation. We didn't feel it was necessary to go on to say, "This would be for renewal too," because they both speak about accreditation.

Mr Offer: I must—

Mr McLean: It's 6(2).

Mr Klopp: Accreditation of a farm organization. It's for three years.

Mr Offer: My point is that I just think it's probably, again, clearer that organizations that renew also know it's clearly in the legislation that the renewal period is for a time certain.

Mr Stroeter: The advantage of having it in regulation is that if the tribunal finds that for whatever reason it takes longer than six months to make a decision, to hold hearings, to travel the province and to hear things, it preserves that flexibility. The minute you have it stated in the bill itself, the flexibility is gone.

Mr Offer: Not to belabour the point, but (2.1) is exactly the safeguard. If it takes the tribunal longer to make a decision, then that association knows that its charter is in full force and effect. It doesn't deal with the issue as to why we can't say in legislation—there are a number of members who are now elected in this Legislature and will be elected in this Legislature who carry with them a particular expertise in these types of matters, as well as opinions, and are very plugged in to their particular communities. I do not represent an area in which there is a rural, an agricultural base. I know

from colleagues that obviously there are many members who do have that. Why would we take that out of legislation and put it into regulation? I find that to be a little concerning to me.

Mr Klopp: If I may, because you mentioned legislators, the bill clearly states that there is going to be some time frame for accreditation when a new farm group comes into play. This really deals with actually the old group that is already accredited. So I think we crossed the line a little bit there, if I may, when you were giving your examples.

This clearly says that there will be a time frame. It's going to allow the flexibility in regulation. They'll understand that and I think this proposed amendment actually helps clarify the concerns that you've been raising from what you've been hearing out there, because over the next two or three years it may be that it only needs to be three months. If you have it in here, though, we'd have to open the whole bill. Also, there's the other side of the coin: opening up bills takes a long time to do.

1110

This clearly states that there will be a recognized time frame and the farm organizations will all know that in the regs. As in that point that you said, everybody wants to know what kind of game plan is going to be there, and that will in effect work. From what I've been hearing from farmers, being personally involved in this a long time, I think that this does give the framework, and the regulations will be clear to everybody.

Mr Cleary: I just heard something else mentioned there. It was said, "As this tribunal travels the province."

Mr Stroeter: It may have to. For example, if we want to expedite hearings for religious exemptions, it might be more appropriate for a tribunal to meet in Kitchener-Waterloo than to ask Mennonites to come to Toronto. So those provisions clearly have to be there.

The Vice-Chair (Mr Mike Cooper): Anything further? Mr Offer.

Mr Offer: There are so many pieces of legislation where there are time frames which are important time frames that are part of the legislation and not part of regulation. When those time frames don't work, they don't work for certain reasons. If those are to be changed, it doesn't mean that you open up the whole piece of legislation. It means that you open up a particular part of the legislation because of a demonstrated part of a piece of law that doesn't work.

I just can't understand why a government would be so reluctant to put into a piece of legislation something that provides certainty and clarity and that I think would be supported by anyone and would give to all of those people who are going to be affected by this legislation or interested in the legislation more of the framework

under which they have to operate. I don't know why there is that reluctance to put it in legislation and, again, just taking out of the debate so many people who have so much understanding of farm organizations and the realities of farming and the realities of how the tribunal will or will not work in the future.

Mr Klopp: I think you made a good point about the farm organizations and farm people. There have been long consultations. Our staff at OMAF has worked tirelessly after getting direction from Elmer on that, but we wanted to try to get something done here on this issue for the last two and a half years. They're quite comfortable with this, realizing what it's like to get something up and started and recognizing those realities.

I appreciate your comments, but under this particular bill, under this particular ministry, this is, we think, the best way to run this. I thank you for your comments.

Mr McLean: The next section we're going to deletes a group from this bill. In section 4: "Any organization representing farmers in the province may apply to the tribunal to become an accredited farm organization...." You're deleting one. What other farm groups would want to apply?

Mr Klopp: Are we on another section?

Mr Offer: No.

Mr Klopp: You threw me a curve.

Mr McLean: Its in another section, but perhaps my question could be answered. Are there other groups who are wishing to apply that you know of?

Mr Klopp: We've always said that we want to make this as open as possible, and any group can come and see if they're accredited under the regulations and if they fill out the criteria. In fact, one group has actually asked to be taken out. It doesn't stop them from tomorrow morning deciding, "Oh, we'd like to be accredited." Now, they will not be grandfathered in. They will have to go through the process, and it's open to any organization that can fill out the criteria.

The Chair: Thank you, Mr McLean. Any further discussion on the government amendment?

Seeing none, as agreed, the vote on the government amendment, subsection 4(1), is stacked. We go to subsection 4(2). I believe there is another government amendment, or was that it? That's it?

Interjection: Yes.

The Chair: Any further debate on section 4 of the bill? As agreed, the vote on section 4 of the bill is stacked. We move to section 5 of the bill.

Mr Waters: Just a point of clarification, and I hate to draw you back, but you had said subsection 4(1). Is that correct? I'm looking at subsection 4(2). I just wanted to make sure that we were looking at the same page.

The Chair: I think we are. Just let me ensure that

we were. Maybe the parliamentary assistant or someone could—

Mr Klopp: On a point of clarification, indeed you are correct. It is subsection 4(2).

Mr Waters: Okay, thank you.

The Chair: That was the government amendment. Would you confirm that, Mr Klopp?

Mr Klopp: Yes, that was the government amendment.

The Chair: As agreed, that vote was stacked, as was the vote on section 4.

We are now on section 5 of the bill. Discussion on section 5 of the bill. No discussion on section 5 of the bill? As agreed, the vote on section 5 of the bill is stacked.

We'll move to section 6 of the bill. Discussion on section 6?

Mr Offer: On section 6 of the bill, I want to bring forward a point which was raised earlier, and that deals with whether the government feels it is appropriate that there be certainty that the accreditation for a farm organization on the initial application is for three years, but also that any renewal period is for a similar period of time. I do not have an amendment to that effect at this time, but I think it leaves a certain degree of confusion as to the duration for the period of renewal.

Mr Stroeter: The way I read subsection 6(2), I interpret it to be that any accreditation period is for a three-year period. There's no review during the first period, and after the first three-year period you have to reapply for accreditation. The accreditation is no longer valid, the first one, and you have to reapply for the next accreditation, and the accreditation is defined as a three-year period each time. That's how I interpret this section.

Mr Russell Yurkow: If I could speak, the last speaker has got that correct. The focus is on the accreditation period. Whether it's during the first accreditation, second or third accreditation, you're accredited for three years.

Mr Offer: I take it then that legislative counsel has agreed with ministry staff on this.

Mr Yurkow: That's correct.

Mr Offer: Okay, thank you. I think it's important for the record.

The Chair: Further discussion on section 6 of the bill?

Mr McLean: Where is the clarification of the criteria laid out? In what section are the criteria?

The Chair: Interesting question, and perhaps somebody from the ministry can give you the road map to that.

Mr Stroeter: Subsection 6(1) refers to the pre-

scribed criteria, so the criteria are going to be prescribed in regulation.

Mr McLean: Does anybody know what the criteria are?

Mr Stroeter: Yes, there's a document that has been circulated to committee members the first day that outlined the criteria.

Mr McLean: Then it's here. That's fine. You have a copy of it, I'm sure, Parliamentary Assistant.

Mr Klopp: I sure do.

Mr McLean: You'll be up to date on that, I know.

The Chair: We will pause briefly while that information makes its way over to Mr McLean.

1120

Mr McLean: Thank you. Carry on.

The Chair: Mr McLean has signalled he's received the information, and we will now carry on. Any further discussion on section 6 of the bill? As agreed, the vote on section 6 of the bill is stacked.

We'll move to section 7 of the bill. I believe there's a government motion.

Mr Klopp: Under section 7, paragraph 2, I move that paragraph 2 of section 7 of the bill be struck out.

As you know, we've had a request from one of the deemed accredited organizations that were going to be grandfathered in, and that is Region 3, Ontario, of the National Farmers Union. They have requested that they be taken off the accredited list, and that's what this will do by striking out paragraph 2 of section 7. We wish to make every organization happy.

The Chair: Discussion on Mr Klopp's motion?

Mr Offer: We were here when the NFU made its presentation. Are there any discussions with respect to them, as an important group, with the ministry in terms of meeting their concerns and potentially again being part of this legislation?

Mr Klopp: As Elmer indicated, he's had discussions with the farm organizations for two and a half years. This week we came to this bill and where we got to this process, and they decided, for whatever reasons—and they have heard them. I can say I don't totally agree with them personally, but that's their decision. They now will understand that if they want to be accredited, we have in the act that any farm organization can go through and apply for accreditation, and that's their wish, if they wish to. But we did all we could, I think, to alleviate their concerns, and they made a decision.

Mrs Fawcett: I think it should be noted for the record that they did express the concern that they were left out of some of the meetings and that they didn't get invited to or didn't know of meetings until after they had taken place. So that was a concern of theirs.

The Chair: Do you care to respond to that, Mr Klopp?

Mr Klopp: No, other than everyone's entitled to their opinion and obviously one of us is wrong.

Mr Villeneuve: We've removed paragraph 2. Do we leave a vacant spot there and go from 1 to 3? Are we going metric in here?

Mr Klopp: I hear your point. Is there a problem with this?

Ms Stratford: No, my understanding is, in the editing of the bill, the "3" would be changed to a "2."

The Chair: Mr Yurkow, do you have further clarification?

Mr Yurkow: Yes. When the bill is reported and reprinted, editorially the numbering will be rationalized. So the blank will be filled with a "2."

Mr Villeneuve: That might have left an invitation for another so-called GFO to come and fill the vacancy.

The Chair: Thank you, Mr Yurkow. Further discussion? Seeing none, the vote on the government amendment is stacked, as agreed, as is the vote on section 7.

We'll move to section 8 of the bill. Discussion on section 8?

Mr Offer: I have a question dealing with matters before the tribunal. Is it within the jurisdiction of the tribunal to make any award as to costs? I bring it up at this point because here is where an accredited organization may be reviewed, and it may be reviewed because someone feels it is no longer meeting the prescribed criteria. If it turns out that a review is undertaken and that the review finds the accredited organization to in fact be complying with the criteria, that organization will have been put to certain time and expense. Is it then within the jurisdiction of the tribunal to look at who has instigated the review and to reimburse a party to a review for costs incurred, which could be substantial?

Ms Stratford: There's nothing in the bill that would empower the tribunal to award costs.

Mr Offer: I guess the question then becomes a matter of policy as to whether it is right and proper for a tribunal which is looking into so many areas to also have within its authority the discretion at certain times to award costs.

The Chair: Thank you, Mr Offer. Deputy?

Ms Burak: I would offer, from the policy perspective, the example of the farm products marketing tribunal, which makes decisions that affect farm businesses, large food processors and what have you, and even they do not have the authority to award costs. Despite what some who came before the committee may have said, when you look at what the tribunal can really do, it accredits farm organizations and hears religious exemptions. So from a policy perspective we have never contemplated giving them powers to award costs.

Mr Offer: I understand that, except that there's a third thing it will do, and that is that it will potentially review someone as well. At least that's my understanding of—

Ms Burak: Yes.

Mr Offer: Which is a little different. Okay, a group comes before the tribunal and says, "Okay, we're a new group. We want to be accredited. Here are the criteria. We think we need it," and the tribunal makes a decision. Or someone comes before the tribunal on the basis of a religious objection, which I'm sure we'll be discussing somewhere down the line, and the tribunal makes a decision. But section 8 is an issue where somebody says, potentially, that group doesn't meet the criteria, and then the tribunal has a responsibility to take a look at the matter and potentially have a review. So that's sort of a little different because it goes within the term of their accreditation.

Ms Burak: Again, if I can respond by giving another parallel situation, the Ontario Farm Products Marketing Commission, which is responsible for supervising, overseeing—it has very broad powers under the Farm Products Marketing Act to oversee the workings of all of the marketing boards. It can also revoke their powers and put them into receivership. That is a very, very strong piece of legislation, and even there, there is no authority to award costs. Again, answering it from a policy perspective, we think we have some consistency in the way we have been approaching farm organizations here.

Mr Offer: On those boards that make those decisions, for my information, is there a right of appeal on their decisions?

Ms Burak: The tribunal hears appeals to the decisions of the Farm Products Marketing Commission and I believe certain marketing board decisions. There is no appeal to the tribunal other than to the courts.

1130

Mr Offer: So you mean the group that makes that decision, like the revocation of a right, in the example that you just gave—

Ms Burak: The commission.

Mr Offer: Can somebody appeal that decision to a place other than the courts?

Ms Stratford: Certain decisions of the commission are appealed to the Farm Products Appeal Tribunal. There's no appeal from there to the courts.

Mr Offer: But there is an appeal, though, within the framework of OMAF then?

Ms Stratford: That's right.

The Chair: Thank you, Mr Offer. Mr Villeneuve.

Mr Villeneuve: Three of the seven so-called tribunal members can decide if a review of an organization can be undertaken. It also says there that a review cannot be

undertaken until three years from the prescribed starting time. Does the three-member tribunal designate a quorum? That may be in the regulations. Is that right?

Ms Stratford: For the purposes of determining applications for accreditation and renewals and so on, the bill provides that a panel of three can make those determinations. This group of three that's described here isn't empowered to conduct a review on its own. It's a filter to ensure that where a review question has come up, it is not an automatic matter, that three members must first look at the facts and determine whether going forward with a review is warranted. If they believe it is, they suggest that to the chair of the tribunal, who will then decide whether a review hearing should in fact be scheduled, and then that would be heard by a panel of three members or more, depending on what the chair determines.

Mr Villeneuve: Okay, so three can trigger a review; three plus the chair can decide. Is that what I heard?

Ms Stratford: No, three can suggest to the chair that a review should take place. If the chair agrees, the chair can schedule a hearing. In that event, a minimum of three would be required to sit on that review. You could have the entire tribunal if that were felt to be—

Mr Villeneuve: But when you say a minimum of three, you're actually saying a quorum is three, a recognized gathering of the clans.

Ms Stratford: That's right.

Mr Villeneuve: Okay. Now, with items numbers 2 and 6, accreditation of a farm organization is in effect for three years starting at the prescribed time and a review cannot be done during that three years. I know we went through a previous amendment that gave some flexibility. My colleague from Mississauga North was wanting a specified date in there.

But if there is a problem, and maybe you could explain to me, you can't do it until the three years are up, can't review them until the three years are up. They apply for a renewal and you say, "Well, there's a question as to your credibility or your qualification to continue." What's the mechanism here? Do you let them lapse while they're being investigated?

Ms Stratford: The three-year period that you're discussing now that's in section 8 is particular to the deemed organizations. They can't be reviewed for three years. They would apply for renewal as their third year approaches, in that time frame that we discussed earlier. The tribunal would then consider whether their accreditation ought to be renewed, and the amendment that we proposed earlier would ensure that the accreditation they now had wouldn't run out in case the tribunal was delayed in making a ruling within the original time period.

Mr Villeneuve: Because they can't be looked at until 36 months plus, and then in 36 months they have

to apply for a renewal, so this is the flexibility that the tribunal would have to do whatever research they have to, to establish in their own minds if they're happy with them continuing or otherwise.

Ms Stratford: In section 4, we make mention of applications for renewal having to be made in the prescribed period. That's in subsection 4(2). That is where we will define the time at which someone must apply for renewal, and that will be, as was suggested, at least six months before the renewal or the accreditation runs out. So the tribunal will have six months to consider the evidence as to whether accreditation is deserved for a further three years.

Mr Villeneuve: It's just a little ambiguous to one who isn't a solicitor.

The Chair: Mr Stroeter, do you have something to add?

Mr Stroeter: Yes. If I may add, this review is not the same review as the first one, although the same words are used. The intent is that during any time period, if something comes to the attention of the tribunal that there's something wrong with one of the farm organizations, there are allegations of embezzlement, for example, or gross misconduct, a review can be triggered. Call it a special review. It has nothing to do with the accreditation review. It is not a regularly scheduled review.

This is a provision to allow for a special review during the accreditation period outside of the normal time frames, in case it comes to the attention of the tribunal. The previous bill allowed for this special review only to be called by the chair, and in response to some of the comments by the farm organizations, this was now broadened so that the chair couldn't trigger the special review but the chair or three members had to trigger such a special review. That's the policy intent.

Mr Villeneuve: It's not really accreditation; it's a credibility review that you're doing.

Mr Stroeter: That is correct.

Mr Villeneuve: All right.

The Chair: Further discussion on section 8 of the bill? Seeing none, as agreed, the vote on section 8 of the bill is stacked.

We move to section 9 of the bill. Discussion on section 9 of the bill?

Mr Offer: Under subsection (3) it says, "Any person or organization entitled to notice...may make submissions in a hearing." Who would that be? How broad is it in terms of the notice provisions?

Ms Stratford: Subsection 8(2) of the bill speaks to who receives notice of review. As you can see, the actual organization, of course, that's being reviewed would be notified, as would the minister and all other accredited organizations.

Mr Offer: But in a review, as opposed to a renewal, the members of the organization under review would not be given notice of the review. It would seem to me that if you're actually reviewing an organization because it hasn't met certain criteria—I recognize this would be a fairly large group—the members of that group who will be specifically affected would not get notice of that.

Ms Stratford: The organization that's under review is the party to the hearing at which the review will take place, so to that extent, its members will be notified by it. The tribunal would notify presumably the executive of the organization.

Mr Offer: But there's no obligation, really, to notify the members of the organization that is being reviewed. These are the people who ostensibly receive the benefits from being members of the organization, and on other questions which are brought forward talking about the flow-through of dollars, they said the local county groups and all of the members are all part of the group itself. But if that holds true, then why wouldn't all of those people get notice of the hearing?

Mr Stroeter: From a policy perspective, I would suggest that the tribunal could, in very exceptional circumstances, if they really think that the review does require such extensive notification, make that determination, for example, place an ad in newspapers and say, "This review is taking place and interested parties, da, da." It leaves it to the discretion of the tribunal but it doesn't force the tribunal to notify, let's say, 30,000 farm organization members. The cost would be prohibitive, and it leaves it to the judgement of the tribunal how to conduct such reviews.

1140

Mr Offer: I guess the only reason I ask that is that a review of an accredited organization is, the way I see it, very serious and will have an immediate and dramatic and direct impact on the members of that organization if the review is successful. As well, some members may have very important information for that hearing. It seems that it would only be right to have some provision, whether by publication—it doesn't have to be personal—that there be some effort on behalf of the tribunal to notify the members that the organization of which they are a party may lose its accreditation.

The Chair: Thank you, Mr Offer, Mr Stroeter. Mr Klopp.

Mr Klopp: If I may, I think Rolly pointed out subsection 8(2), "The tribunal shall give written notice of any review under this section to the accredited farm organization that is the subject of the review, to the minister and to all of the other accredited farm organizations."

Out there, and to put it in the real world that you and I live in, believe me, the farmers who are affected will

be notified by that farm organization when they get a written notice. If they don't, I would say that's probably one of the reasons why they're doing a review. So, they will know.

Also further under this section, submissions, subsection 9(3), "Any person or organization entitled to notice of the review may make submissions in a hearing relating to the accreditation of a farm organization," not unlike we do here. So, quite clearly, they cannot turn away anybody who wants to come and talk to them and make a submission for or against. I think we've allowed quite clearly what your concern is and what my concern is in the act.

Mr Offer: The problem with that is that subsection 9(3) says yes, "Any person or organization entitled to notice of the review may make submissions," but the members are not, by the legislation, entitled to notice. Therefore, under subsection 9(3) they could be specifically excluded from making presentation, under the bill.

Mr Klopp: I don't see that.

The Chair: Mr Stroeter.

Mr Stroeter: Part of the accreditation criteria state that these farm organizations have to be democratically elected and that there's a flow-through of communications from bottom to top and vice versa and they're accountable at annual meetings and so on. So I would think that in a democratically elected organization, the central group or the federate group has the responsibility, at least the moral responsibility, to keep its membership informed of important matters such as a review. Plus, I would add, as Mr Klopp stated, communications in the farm community on important matters are very swift, and it will be very difficult to keep it quiet that a review is taking place.

Mr Offer: Just finally, I'll accept those positions except that this tribunal is, for want of a better word, quasi-judicial in nature. I think, personally, when there is a tribunal created which is quasi-judicial, which has enormous powers, which can take away significant potential resources from organizations, if there's a process put in place, there have to be some safeguards in legislation. There just have to be.

The realities of the community may be very true and may be very effective, but it just seems to me that, apart from that, when you're dealing with a quasi-judicial process, something more than the flow-through of information in a regulation or democratically run criteria in a regulation are well for that, but a process of this nature I think really requires something a tad more specific for its members.

I must say I'm a little disappointed in a tribunal being set up with such power, quasi-judicial in nature, which has no process in it to inform its members. It is as if the legislators in this place didn't have bells ringing or lights on for a vote. How would you like it?

Ms Burak: I would just add to what staff have already said. I recognize the concern you have from a practical—if your specific question is, should the tribunal notify all of the members of the body being reviewed—

Mr Offer: Should there be something there that specifically requires them to consider that?

Ms Burak: Again, in response, first let me just say that from a practical standpoint, we would not have and the tribunal would not have the membership list and wouldn't be able to—

Mr Offer: Don't they have the registration forms?

Ms Burak: No, I think Mr Stroeter's response about leaving to the discretion of the tribunal the ability to advertise and to circulate the information is probably, just from a practical standpoint, the way they would approach it rather than—

Mr Offer: You see, I don't have any problem with that, but there's nothing in the legislation that requires the tribunal to do that. They do have all the information. They know where every member—it's on the registration forms. You've got all the info. You could, if you wanted to, write a letter of notice to every member. You have that type of information. I'm not suggesting that.

Mr Klopp: No. We've got to make that very clear.

Ms Burak: Can I just make a clarification? The ministry will have registration information and, as the scheme suggests, we will be sending the cheques and names and addresses and telephone numbers to the farm organizations. We won't know who are members in what organization and neither will the tribunal. But I think legal counsel has perhaps another clarification to give you more comfort.

Ms Stratford: There are further provisions in the bill that will govern the tribunal in holding hearings. Not to get ahead of ourselves, but in section 26, you will find the power of the tribunal to consider submissions from persons who are not parties and to gather evidence on its own. Clearly, the intent here is that the tribunal have before it all of the relevant information. Presumably, the tribunal would be most interested in advising members if it thought their submissions would be relevant, and presumably they would be, on a review. So I think that practically speaking, the tribunal, given that it has the power to seek out that input, would do so.

In addition, in section 27, there is provision for making prescribed rules of procedure that the tribunal must adhere to. If this were found to be a problem, I think the ministry would look at recommending perhaps the making of a regulation that would speak to those kinds of matters of notice and so on.

Mr Offer: Okay. I just feel that the government introduced its first amendment today, which then introduced this new phrase, "classes of registrants." We

don't know what classes of registrants are going to be; they may be alpha, they may be something else. It also may have within it the organization which they are a part of. It may. I don't know. The conversations, I understand from the deputy and from legal counsel and from staff, as to the reasoning behind it—I just have a difficult time finding out how that's going to protect individual farmers when their organization is under review. That's nothing new that I've added.

Mr Klopp: Maybe just on a point of clarification with regard to the point that the government of the time may know or the ministry would know who is a member of an accredited organization: Under the act, we only send their name, their telephone number and this cheque. Obviously, it says OFA on it or Christian Farmers or Catholic rural life or heaven knows who might be accredited. But we don't know if they're going to ask for a refund. We have no idea. That is totally out of the hands of the ministry, and I think that was one of the issues that came up over time, that somehow there would be some power because they would know how many members. The government, under this, will never know, because we don't know if they asked for refunds. That's totally their business. I want to make that perfectly clear. Maybe that will help.

1150

Mr Offer: Surely, the government could photocopy the cheques.

Mr Klopp: We don't know if they asked for a refund, Mr Offer, and sent it to another—we don't know that and we will never know that. This still doesn't allow us to ask that question.

Mr Offer: Surely, the ministry is going to photocopy and keep on record the information.

Mr Klopp: No.

Interjection.

Mr Klopp: Yes, and even back it up.

Ms Burak: May I respond to Mr Offer? In fact, we're not going to photocopy the cheques. The compliance with the registration will be simply, did they fill it out properly, did they send a cheque over to the farm organizations, and then they've complied, number one. Not only will we keep a record of that, of who signed up with what organization, number two, sending the cheque does not constitute membership in the organization.

The Chair: Further discussion on section 9 of the bill. Seeing none, as agreed, the vote on section 9 of the bill is stacked.

We'll move to section 10 of the bill. Discussion on section 10 of the bill. Seeing none, as agreed, the vote on section 10 of the bill is stacked.

We'll move to section 10.1. That is the government amendment.

Mr Klopp: It's rather lengthy. I hope I don't run out here.

I move that the bill be amended by inserting the following section immediately after section 10:

"Relinquishing accreditation

"10.1(1) An accredited farm organization may apply to the tribunal to have its accreditation removed.

"Notice to ministry

"(2) The tribunal shall give the ministry notice of every application that it receives under this section.

"Revocation by tribunal

"(3) The tribunal, on receiving an application under subsection (1), shall, without a hearing, make an order removing the accreditation of the organization.

"Service

"(4) The tribunal shall serve a copy of the order on the ministry, the organization that made the application and the remaining accredited farm organizations.

"Effective date

"(5) An order to remove the accreditation takes effect on the date set out in the order.

"Return of payment

"(6) The ministry shall return to the persons submitting them, any payments that are payable to an organization making an application under this section that the ministry receives after it gets the notice of the application.

"Resubmitting payment

"(7) A person whose payment is returned shall, within the prescribed time, resubmit the payment payable to one of the remaining accredited organizations.

"Registration number

"(8) A registration number that has been assigned to a person to whom payment is returned remains current only until the prescribed time for resubmitting payment has expired unless the payment is resubmitted within the prescribed time."

The Chair: Thank you, Mr Klopp. Rationale for the government motion as moved by yourself which creates section 10.1 of the bill.

Mr Klopp: Because it is very complicated and I'm very dry, would Ms Stratford please take care of this?

Ms Stratford: This section is new and was inspired as a result of some questions we received here at committee. Someone was concerned that an organization that might have been accredited and might now desire not to be wouldn't have a specific way of being de-accredited. Although I think practically that could be achieved either by stopping meeting the criteria or trying to find a way of getting a consent application before the tribunal, this type of section very clearly authorizes the tribunal to grant a revocation of accredi-

ation if an organization so requests. That is the basic intent.

Subsections in this new section follow through on this concept to ensure that the ministry is advised of any such orders so that payments coming into that organization from persons who don't know that a de-accreditation process is under consideration won't be forwarded to that organization. The ministry is directed by this new section to return those payments to the persons who made them and the persons then will be given an opportunity to select another organization to direct their payments.

The Chair: Thank you, Ms Stratford. Discussion?

Mr McLean: Section 8: I'm getting the feeling that the key to this whole operation is to get the money regardless of who it's being submitted to. I don't see anything in here where it says there's a form sent to the individual with regard to his application to apply for a refund. I haven't seen anything where it tells where he may apply for the refund unless that is in the original application. Is that so?

Ms Stratford: Section 20 deals with the refund mechanism—

Mr McLean: I read that.

Ms Stratford: —and would apply equally in this case.

Mr McLean: Where does it tell them in there that it would apply?

Ms Stratford: Section 20 says that a person who has paid an amount to an accredited organization has the right to ask for a refund from that organization. So the organization under consideration in section 10.1 was accredited when it received the payment and therefore would owe the refund if the person so requested.

Mr McLean: So the individual sends a cheque in, goes to the ministry—that cheque then goes to whatever organization he authorized it to. Then, does he write them a letter and ask for a form to send in for a refund?

Mr Stroeter: I would think a letter just indicating a request for a refund would be quite sufficient. I don't think a form is necessary.

Mr Klopp: Which is present practice now in a farm organization. I do believe any time you want your money back, you just write them—any piece of paper and they're obligated to follow that.

The Chair: Thank you, Mr Klopp. Mr McLean?

Mr McLean: That's fine. Thank you.

Mr Offer: I think I can anticipate the answer, but even in the situation where an accredited farm organization wants to take away its accreditation, there will be no obligation to inform the members of that organization as to the ongoing process. Again, I'm assuming that the answer is going to be, "There is no obligation."

Mr Stroeter: I would think these organizations, being democratically elected and dependent on an effective voluntary system where members have the right to ask for refunds, they would be very careful to keep their members informed of their actions. Otherwise, they would face a very uncertain financial future.

I would think, if the farm organizations make such a drastic move to cut themselves off from this source of funding, being democratic organizations, there would have been some kind of discussion within the larger organizations to approve such a move.

Mr Waters: With what Mr Offer said, I can't imagine any farm organization that is democratically elected not going to a convention or something like this to remove its accreditation. I can't imagine there being a situation where one or two people sitting at head office make a decision like that. They would have to do that at a conference or a convention in order to do it. So at that point, it would be done on the floor.

The Chair: Further discussion? Mr. Offer? You're going to let me down, Mr Offer.

Mr Offer: If there's going to be an organization, it's going to be—take away their accreditation and they're going to have a whole bunch of members who have paid money for a year and sometime during the year, the accreditation and all of the things that they should have received they will no longer receive.

They will have paid a fee and not received anything and there will be no obligation to help these people out. But I note that, as I've heard, it will be done through the democratic process and there will be a convention and there will be a vote and all of those things. Jeez, I hope this is correct.

Ms Burak: I just wish I could give Mr Offer more comfort on this point. I offer this comment—

Mr Villeneuve: Just offer.

Ms Burak: —that it would be hard to envisage the tribunal having a group before it and not having its first question be, "Describe to us how you arrived at this through discussion with your members." I guess we hoped to give you more comfort.

Mr Villeneuve: Just thinking out loud: Would it not be possible for the decertified group to assign its membership for the remaining interim period, at which time, come renewal time, the members could, upon their choice, divert the funds to whichever GFO they so choose? It would be simply to provide that interim service the decertified GFO would not be providing.

Mr Stroeter: The intent of this section is really to address organizations that will continue as farm organizations but choose, by free will or by motion of the whole membership, to withdraw from this scheme. That's the intent. They will not cease to be organizations that provide services. The intent here is they don't want to have any part of this bill or this system.

They don't want to be accredited under Bill 42. That's the only intent of this motion. We would not foresee that such an organization would cease to exist as a farm organization.

The Chair: Further discussion?

Mr Klopp: I guess in the—

The Chair: Does this mean yes, there is?

Mr Klopp: Just one final point, I guess, till noon. This allows that there doesn't have to be a big expense of a tribunal hearing and all that kind of stuff if a group really does feel, through its democratic right, that it would like to sever. I think it's a reasonable motion. We've had good discussion. But we use the worst-case scenario that a group defrauded. I think Rolly brought it back that this really is probably for an organization that just feels it wants to get out without a whole lot of red tape that we talked about earlier, having hearings all over the province and forcing the tribunal to have a big discussion when it didn't need to be had.

The Chair: Further discussion? Seeing none, the vote on the government motion, as moved by Mr Klopp, which creates section 10.1, as agreed, is stacked.

Is there unanimous consent by the committee that section 11 be stood down until tomorrow?

Mr Klopp: Tomorrow morning?

The Chair: Tomorrow morning.

Interjections

Mr Offer: I want to think about 33 and 21.

The Chair: Okay, I appreciate that, Mr Offer. Then we will proceed after our recess. The committee will recess until 2 pm and we'll resume with section 11 of the bill. We are in recess.

The committee recessed from 1204 to 1414.

The Chair: Okay, we'll call the committee to order. Members will find in front of them a summary of all the presentations, oral and written, up until yesterday afternoon from legislative research, compiled by the research officer, Jerry Richmond. It's all there for you to take a look at, and if there are questions, Mr Richmond will be here for a few minutes and you can certainly address any questions to him.

The second order of business is, as I referred to this morning, we were awaiting a ruling from the Conflict of Interest Commissioner. I have now received that ruling and I will read it to you on the record. It's addressed to myself as Chair of the standing committee on resources development. It reads as follows:

"Dear Mr Hugot:

"I have now had an opportunity to discuss with the commissioner your letter dated August 30th with respect to the issue of members voting on Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations.

"Section 2 of the Members Conflict of Interest Act, 1988, states:

"For the purposes of this act, a member has a conflict of interest when the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows that in the making of the decision there is the opportunity to further his or her private interest."

"The definition of 'private interest' is set out in section 1 of the act as follows:

"'private interest' does not include an interest in a decision,

“(a) that is of general public application,

“(b) that affects a member as one of a broad class of electors, or

“(c) that concerns the remuneration and benefits of a member or an officer or an employee of the Legislative Assembly."

"As each member is only one of a broad class of electors affected by the bill, it is the commissioner's opinion that members of the standing committee on resources development who are members of one or more of the organizations listed in section 7 of Bill 42 can take part in discussions and vote on the bill and would not be in a conflict-of-interest situation.

"Yours very truly,

"Lynn Harris,

"Executive Assistant"

The Chair: Any discussion?

Mrs Fawcett: I'd be interested to know in my own personal case yesterday whether I really would have been in conflict. There isn't anyone here who can answer that, is there?

The Chair: No, we didn't address that issue. This was the broader issue.

Mrs Fawcett: Yes, I realize that.

The Chair: So, as agreed in subcommittee this morning, we will now go back to section 1 of the bill and proceed through the votes which have been stacked since the start of the clause-by-clause hearings.

Mrs Fawcett: Would it be possible to wait until tomorrow morning to vote on these so that the other member of our caucus would be present at that time?

The Chair: We had discussions in subcommittee this morning with that member of your caucus present, and it was agreed that when we got a ruling, we would proceed with the votes and stack them until we got a ruling.

Mrs Fawcett: I guess I understood, and maybe he did too, that it would have been later on this afternoon. You didn't really know you would be getting it this soon.

The Chair: No, we expected the ruling this after-

noon, and we all of us agreed in subcommittee that once we got a ruling, we would proceed with the votes.

Mrs Fawcett: Thank you.

The Chair: So move back then to section 1 of the act. Shall section 1 carry? Carried.

Section 2 of the act: Shall Mr Cooper's motion carry? All those in favour? Agreed.

Shall section 2 of the bill, as amended, carry? Agreed.

Section 3 of the bill: Shall Mr Cleary's motion carry? All those in favour? All those opposed? The motion is defeated.

Shall section 3 of the bill carry? Carried.

1420

Section 4 of the bill: Shall Mr Klopp's motion carry? Carried.

Shall section 4 of the bill, as amended, carry? Carried.

Shall section 5 of the bill carry? Carried.

Shall section 6 of the bill carry? Carried.

Section 7: Shall Mr Klopp's motion carry? Carried.

Shall section 7 of the bill, as amended, carry? Carried.

Shall section 8 of the bill carry? Carried.

Shall section 9 of the bill carry? Carried.

Shall section 10 of the bill carry? Carried.

Mr Klopp moved a motion that created section 10.1. Shall Mr Klopp's motion carry? Carried.

Shall section 10.1 of the bill carry? Carried.

We are now on section 11 of the bill. Mr Klopp, I believe you have a motion.

Mr Klopp: I move that section 11 of the bill be amended by striking out "In addition to the accredited organizations," in the first and second lines.

As a point of clarification, after hearing discussions over the last few days, there has been some misunderstanding and concern in the committee about the accredited organizations maybe somehow getting special funding. By taking that out of this section, it clearly says it's special funding for this organization and not accredited farm organizations no matter who they may be down the road.

The Chair: Discussion? Seeing none, shall Mr Klopp's motion carry? Carried.

Shall section 11 of the bill, as amended, carry? Carried.

We'll move to section 12 of the bill. Any discussion on section 12 of the bill?

Mrs Fawcett: I'd just like some background, because I'm not familiar with how the francophone organization is eligible for special funding—not that I am against them getting funding in order to have the

services in their language. I'm wondering, is it that special that this couldn't be provided under the ministry of francophone affairs and that it not then have to be dealt with in the Ministry of Agriculture, or just how this all started.

The Chair: Mr Klopp, Mr Stroeter, Ms Stratford, Deputy Minister; there's a host of people who are waiting to answer that question.

Mr Klopp: I'll do a brief intro, and if you still want more, Rolly, as has been pointed out, has been quite involved with the whole discussion. But in a nutshell, when the stable funding was first talked about, a number of the farm organizations had dealt with the francophone organization and at that time there was discussion and the minister was led to believe, I believe, that they wanted to recognize this particular farm organization in eastern Ontario, or across Ontario, if it ever occurs, but basically we all recognize it's mainly in eastern Ontario, and that's how it evolved.

You mentioned another ministry that gives funding, but it was still felt that all the farm organizations still wanted to be a part of this, and we tried to take everybody's wishes as best as possible. That's how it evolved into the system.

Mrs Fawcett: I have no problem with them being a special accredited organization, should they choose, or being a special organization, but I wonder about the special funding and whether that special funding could be provided in another ministry. Then you don't have one particular group getting special funding from the Ministry of Agriculture and Food.

Ms Burak: Maybe I can add to what Mr Klopp has said, and Rolly, you may want to add something as well. I think the best rationale was stated very well by the UCFO when they came before the committee yesterday. They made a very strong representation to the minister that it was important to have special recognition of the francophone farmer issue in this legislation, not in a companion piece or to be dealt with under another agency or piece of legislation. That argument was accepted by the general farm organizations and the ministry, and that resulted in this scheme to give them special funding.

My recollection of some of the earlier discussions with the general farm organizations was that some of them had some capability to deliver services to their francophone members in French and others had limited ability. One of the other outcomes of this special funding might be that they could contract with UCFO to provide some services actually in the farm community on their behalf. So it was a very cooperative spirit among the general farm organizations that said yes, special recognition is worthy of mention in the legislation.

Mr Cleary: Could we get the dollar figure and

where that funding is coming from at the present time?

The Chair: Does the ministry have that information?

Mr Stroeter: It's still currently being negotiated between the farm organizations and the UCFO. There's an agreement in principle, but the memorandum of understanding hasn't been signed yet. So I would say that the number is not public at this point.

Mrs Fawcett: Have they received funding in the past?

Mr Stroeter: From various sources, yes; federal-provincial government sources.

Mr Cleary: Can we get that?

Ms Burak: I can today tell you what funding we've given them in the last two fiscal years, but I couldn't speak to what they may have received from sources other than the Ontario government. Just by example, in the last fiscal year I believe it was a grant of about \$9,000, and in the previous year it was around \$7,000.

Mrs Fawcett: Does the Ministry of Agriculture provide services for them that, let's say, the ministry of francophone affairs couldn't, or is it just that it's easier to facilitate what they require through your ministry rather than through francophone affairs and keeping it all in the one area there? Do you know what I mean?

Ms Burak: I'm not certain that I understand your question.

Mrs Fawcett: Whatever services they require that are different from other organizations, that they need to have their own, and I have no problem with that, is it easier for the Ministry of Agriculture to provide that and provide funding, rather than having it come out of the ministry of francophone affairs?

Ms Burak: I would imagine. Their primary purpose in life is to serve farmers, and they are also involved in rural development that is closely linked to agriculture. From that perspective, I guess the correct account would be the Ministry of Agriculture and Food, although there may be some other features of their organization that would qualify them for funding under francophone affairs.

1430

The Chair: Further discussion on section 12 of the bill? Seeing none, shall section 12 of the bill carry? Carried.

Shall section 13 of the bill carry? Carried.

Shall section 14 of the bill carry? Carried.

Section 15, I believe there's a government motion.

Mr Klopp: I move that section 15 of the bill be amended by adding the following subsection:

"Further order

"(2.1) If an order is made under clause (1)(b) and the organization does not meet the specified conditions within the specified time, the tribunal may, after holding

a hearing under section 14, make a further order under subsection (1)."

I'll get to my notes here. Sorry, this book is only as good as the computer, I guess. Explanatory notes: The proposed amendment clarifies that where the organization fails to meet the conditions imposed under subsection (2), the tribunal can hold a hearing and thereafter either remove the eligibility of the organization or set new conditions.

This is a housekeeping change that mirrors the tribunal's powers on the review of an accredited organization under subsection 10(3).

The Chair: Discussion on Mr Klopp's motion?

Mr Villeneuve: Does this in any way deal with the UCFO if it decided to become a GFO?

Ms Stratford: No, it doesn't. This section speaks specifically to the special funding eligibility, but the purpose of the amendment is to track the wording on a review, which is an accreditation matter. If this organization did wish to become accredited instead of receiving the special funding, it could apply and, if it met the criteria, could acquire an accreditation order.

Mr Villeneuve: This does not then preclude them from receiving this, should they become a GFO. Is it possible that they would be getting both?

Ms Stratford: No. There is further on a section that addresses that situation. Section 19 basically says that if they become accredited, they're no longer eligible for the special funding.

Mr Villeneuve: Okay.

The Chair: Further discussion on Mr Klopp's motion? Seeing none, shall Mr Klopp's motion carry? Carried.

Shall section 15 of the bill, as amended, carry? Carried.

Any discussion on section 16?

Mr Klopp: We have an amendment.

The Chair: So you do. Proceed with your amendment.

Mr Klopp: I move that subsection 16(1) of the bill be struck out and the following substituted:

"Application for renewal

"(1) The eligible francophone organization may apply to the tribunal for a renewal of its eligibility under this act if it does so during the period prescribed.

"Preserving status

"(1.1) The eligibility of a francophone organization that applies for a renewal of the eligibility during the prescribed period remains in effect until the tribunal makes its order pursuant to the application."

The Chair: Thank you. Does the government have a rationale for its motion?

Mr Klopp: Yes. Again, it's more of a clearing up of

the issue here, mirroring again the other accredited organizations, that they are able to continue to work until their application is renewed and also make eligibility for accreditation, in a nutshell.

The Chair: Discussion? Seeing none, shall Mr Klopp's motion carry? Carried.

Shall section 16 of the bill, as amended, carry? Carried.

We move to section 17 of the bill. Discussion on section 17? Seeing none, shall section 17 of the bill carry? Carried.

Section 18 of the bill: Discussion on section 18?

Seeing none, shall section 18 of the bill carry? Carried.

We move to section 19 of the bill. Discussion on section 19 of the bill. Seeing none, shall section 19 of the bill carry? Carried.

Section 20 of the bill: I believe the Progressive Conservatives have a motion.

Mr Villeneuve: I move that subsection 20(5) of the bill be struck out and the following substituted:

"Refund

"(5) An accredited farm organization shall refund, to any person applying for a refund, the amount of the cheque given by the person that was payable to the organization.

"Interest

"(6) If the refund is not made within 30 days after the organization receives the application, the organization shall pay interest at the prescribed rate on the unpaid refund for the time beyond the 30-day period until the refund is paid."

The Chair: Do you wish to speak to your motion?

Mr Villeneuve: This is to satisfy many of the people who made presentations to us regarding the length of time a GFO would have to reimburse the, now, \$150. You will notice in (5) that in the event this figure changed, we did not specify a figure other than the cheque, which would have been provided by the farmer to register and, upon request, would be reimbursed.

We're saying that the time frame here is important. It was touched on by many of the people who made depositions here, and we feel that in the event of a GFO taking longer than a 30-day period, interest should be paid to the farmer at a specified rate based on interest rates prevalent at the time.

The Chair: Mr Klopp, do you care to respond?

Mr Klopp: My colleague had his hand up.

Mr Hansen: It's okay if Mr Klopp wants to go first.

Mr Klopp: I realize this was an issue that was raised by many people, and it may not be the right time now, but we also have an amendment here to this section which I think addresses more of the issue.

Where we have a problem, or I guess I have a problem—I hope some other people do too—is the issue of telling a farm organization that it is going to have to pay interest. Although the concern was raised, I didn't hear anybody suggest that maybe that's what we should do, although I could have missed that discussion. In looking at it, I just can't quite agree with the intent of asking for a person to have to pay interest. We discussed many times over the bill that the organizations would promptly—and we have them on the record that they would return cheques as fast as possible.

Also, my understanding is that under the administration of it, the cheque really isn't costing me any money till the day it is put in the farm organization's bank account, and at that point I've probably already written my letter of intent that I want my money back. So I think that at this time I cannot support your motion.

Mr Villeneuve: Under (5) of the existing legislation, it simply says, "shall promptly refund to any person applying for the refund the amount of the cheque given by the person that was payable to that organization."

We do not have a definition of "prompt." Promptness in a farmer's language may be that you ask this morning and you receive this afternoon. In the bureaucratic world, it can be somewhat different. There are no penalties for non-prompt return, and it is my feeling and that of my colleagues within the Progressive Conservative Party that we should recognize a time frame and we should therefore have a penalty for not meeting that time frame.

Mr Hansen: Mine was just about along the same line as Mr Klopp's. There's a date on the back of the cheque, that when it's actually cashed it winds up going through—let's say it takes four weeks or five weeks before it gets to the farm organization, there would be no withdrawal on that particular farmer's account and he would lose no interest from the time it was cashed.

1440

The other point is that this application sent in for the refund for the length of time from the time the cheque was cashed, and the refund comes back—this is what Mr Villeneuve, I believe, is looking at. Is this correct on your amendment?

Mr Villeneuve: It's looking at the time, the request for reimbursement.

Mr Hansen: From the time they receive the request there. Okay, just a little clarification.

Mr McLean: I have a problem with this bill that I see nothing in it that makes it easy for the farmer to be able to make his payment, send in his name and address, and makes it simple for him to know when he has to apply for a rebate if he wants one. There's nothing here that I see that tells him when he shall write for a rebate.

Do you know what happens in many cases with

farmers? They get busy, and you know the letters they're going to get from the farm organization that say: "I'm sorry, but you're five days late in applying for your refund. Our period of time is such and such." That is going to happen a lot. I think you'd be aware of that. Why is there not something in here that spells it out that he has 60 days or 30 days from the time his application is due? Is there a due date for the application? We get all the different dates here. The phase-in is three months. The first group could register in 1994, but there's nothing concrete that a farmer's going to realize, and you're going to see a mess because he won't know when to apply for his rebate if he doesn't want to leave the money there.

Mr Klopp: We do have some friendly amendments that are, I think, going to address that particular issue a bit, Mr McLean, regarding giving—there needs to be a prescribed time for the person to apply and that's going to be in regulation, I appreciate. But definitely they have to look and work at that and we will have it in regulation.

Going back to the motion, one other problem that I think we would see within even the farm organizations and that's regarding the payment of interest. Probably \$150 is a lot of money and say it's 30 days to set up that kind of cost because they'd have to have it there for every person, wondering if they owed them money. I know that my income tax—apparently, if you get some back they have it all figured out—but I think the administration on that would be rather onerous.

The checks and balances also for the farm organizations, which I think we heard over the last few weeks, it would be very foolish for them not to get as fast a turnaround as possible on any cheques to be refunded, because that would spread. As you know, good news travels fast and so does bad news, and if any organization tries to—if there's a feeling out there that they're holding that cheque for two months or whatever to get some interest on it, they'll look really foolish. I think the checks and balances are there and to make the farm organization have to set up an administration like this would probably not do either one of us any good. But I appreciate your comments.

Mr Villeneuve: To the parliamentary assistant: I think it's been mentioned by the two GFOs, particularly by the Ontario Federation of Agriculture, that if indeed there were requests for refunds, they would likely have one of their field officials visit that farmer. That may take a week or two or three, and at this point in time the cheque has been cashed and has been requested. However, field staff would be looking towards attempting to convince this particular farmer that possibly he should not be asking for a refund. There is a time element here and if this becomes the case where the field man says, "Well, you know, Farmer Jones is not quite sure whether he wants his rebate," it could be

pending for six months. That's my concern for including this particular amendment to subsection 20.

Mr Klopp: I think we've answered our own question, there—my colleague. We said very clearly that they have to give a prompt refund. Now, the farm organization will no doubt go out and ask why, but if they hold up a person's cheque and try to play that—what I call for lack of a better word—game, again, it will be seen out in the farm community that they're holding up a person's cheque and that will be very bad public relations.

We have stated in the act that they have to return that cheque promptly. We can check with legal counsel, and we've heard word that this is some kind of common term in legalese—I'll ask them to verify that. But the point of how the system out there would work is they have to send it promptly. The farm organization will go out and ask them to reconsider, but the cheque already is going either through the mail or is already going back to the person. Any farm organization that would try to hold a cheque up and browbeat a farmer, again, I think would be very unwise. I think that balance is there.

Mr Villeneuve: This would be simply to ensure that.

Mr Klopp: I hear you, but I think it's there.

Mr McLean: On a point of privilege, Mr Chair: On this very issue, I just can't believe what I'm hearing, that whatever farm group is going to go out and harass an individual because he asks for a refund. Is that what this legislation's all about?

Mr Klopp: No, I said they would not harass.

Mr McLean: But you said they're going to go out and ask. Why?

Mr Klopp: I'm sure they will go out and ask, "How come you asked for a refund? Are we a bad organization?" or whatever.

Mr McLean: I can't believe it.

Mrs Fawcett: Just legalities, I guess. I'm not knowledgeable. I'm wondering, is this in order? Because it is dealing with money. I know that when we're requiring the ministry to pay money, motions like that are out of order, but is it because this is a farm organization that is being requested to pay extra money, it is in order? That's all I'm wondering, whether it is in fact in order.

The Chair: My understanding from legislative counsel is this is not money being paid out of the consolidated revenue fund and therefore does not have those conditions attached to it.

Mrs Fawcett: Thank you.

The Chair: You're going to have to fly a holding pattern for a moment, Mr Cleary. I have Mr Waters.

Mr Waters: Just in answer to some of Mr Villeneuve's and Mr McLean's concerns, when you look at the government's amendment—and it's back a couple of

pages; we haven't come to it yet—subsection (7) says, "A person may apply, within the prescribed time, to the appropriate organization for a refund of the amount paid." So they're talking about a prescribed time. When you look at the page that we received this morning as being the one, potential time frames, it talks about a time there.

Maybe I'm making a very large leap, but I don't believe I am when I'm looking at something that the government indeed is going to prescribe in regulations. There will be a time frame set, that they can't sit on those cheques for six months or something like that. But 30 days is far too short. By the time you send something through—when does the 30 days start? When you put it in the mail, or when they receive it? How do they prove—

Interjection

Mr Waters: My colleague here says, "When it's cashed," but—

Mr Villeneuve: Receives the application for reimbursement.

Mr Waters: That could be a bit arbitrary. I think that by looking at what the government has offered here covers all of your concerns quite adequately.

The Chair: Did you wish to provide some more clarification, Mr Stroeter?

Mr Stroeter: Yes, I would. The problem with this interpretation is that the farmer could apply for a refund before the ministry has actually handed over the cheque to the farm organization. In that case it would be very difficult to make the 30 days count. The farm organization could receive the refund before the payment has actually cleared the bank. I think the logical time to have the 30 days click in would be whenever the payment has cleared the bank or the request has been received, whichever is later. That would probably be more like the intent you are trying to get at.

Mr Villeneuve: Is that part of the amendments?

Mr Stroeter: No, this would be an administrative rule in regulation. This would be covered in regulation, if it was covered.

Mr McLean: The request received by who?

Mr Stroeter: By the farm business. The farm business has to send the request to the farm organization, but technically it could be possible that the farm business sends a request before the ministry actually passes on the payment, so we need to be mindful of that.

The Chair: Mr Cleary, then Mr Wilson.

Mr Cleary: Our party would have no problem supporting the amendment that's being discussed at the moment.

1450

Mr Gary Wilson (Kingston and The Islands): I

just want to say I want to support Mr Klopp's contention that in fact the penalty is built in, in the lack of support that the GFO would get if it didn't handle its finances properly. I think, as I say, Mr Klopp made that very strongly.

The Chair: Further discussion? All those in—

Mr Klopp: The issue of "promptly" is something that I know my colleague is concerned about. We all are. In hearing this discussion, Louise might have an opportunity to give us clarification. Maybe we can put in some safeguard here.

Ms Stratford: The word "promptly" was chosen because it was considered to be very difficult to arrive at a number of days which would be reasonable given that there's no real experience in this system. The word, though, has received some judicial interpretation. What "prompt" is generally held to mean is as something being reasonable in the circumstances. There is the power to define words used in the act in regulation. If it came to it, the ministry could recommend a regulation that defined "prompt" in such a way that it would be clear that there should be no delay.

There is some latitude for closing in on this issue short of suggesting an exact number of days which, as I said, I think would be difficult at this stage to really define.

The Chair: All those in favour of Mr Villeneuve's motion, please indicate. Opposed? Motion is defeated.

We have a Liberal motion, section 20.

Mr Cleary: I move that subsections 20(3), (4) and (5) of the bill be struck out and the following substituted:

"Forwarding cheque

"(3) The ministry shall forward each cheque, within two weeks after it is received, to the appropriate organization along with the name, address and registration number of the person who provided the cheque.

"Refund

"(4) A person who has a registration number may apply to the appropriate organization for a refund of the amount of the cheque if the application is made within six weeks after the cheque is given to the ministry.

"No administration cost

"(5) The full amount payable on registration shall be paid to the appropriate farm organization with no administration fee payable to or recoverable by the ministry.

"Refund

"(6) An accredited farm organization shall, within four weeks after receiving an application for a refund, refund to any person applying for the refund the amount of the cheque, given by the person, that was payable to that organization.

"Application of sections 2, 20 and 21

"(7) Sections 2 and 21 and this section cease to apply if the cost of administering the registration and the refunds exceeds the revenue generated from the program.

"Insurance

"(8) In order to receive cheques under this section, an accredited organization must have insurance to protect all potential applicants for a refund against default in making the refund.

"Vote entitlement

"(9) Every person with a registration number is entitled to one full voting membership in the organization to which that person directed the cheque."

The Chair: Do you wish to speak to your motion?

Mr Cleary: Yes. On the first one, "The ministry shall forward each cheque," I guess as we know, and we all get criticized, correspondence and different things lie on desks too much in government. I feel if that time frame were in there, it would speed the process up.

On the refund, it's just about the same as I explained in the previous one.

On no administration costs, I guess why we have that in there is that we have heard from the ministry that there are not going to be administration costs. We hear from some of the presenters that they don't rule that out, so I think we'd just like to get that cleared up at the moment.

Next, on the refunds, I guess we'd just like to see that tightened up and dealt with immediately, because I know that there are going to be other problems in this legislation and I just want to see this happen and the refunds and everything done as fast as possible.

On the next section, I guess what I'm concerned about there, we've heard of travelling tribunals and I'm sure that will be as expensive as sending a committee around the province. I'm just worried about the expense of everything and I would like to see that section in there.

On the insurance, that's just the way of doing business in the 1990s. Companies have gone through that. I think everyone is going through that. There are loans being called and everything, and I think we should have something to protect it in there.

On the vote entitlement, I know it's been a concern to many farmers in the area and the province about sending their money in with no vote entitlement. I think it was the federation of agriculture that had kind of been nibbling on something there and I think that it would soften it, for those who would send in the \$150, if they had something to say. Those are my comments.

The Chair: Thank you, Mr Cleary. Do you wish to respond, Mr Klopp?

Mr Klopp: Yes, and I'll probably turn to some colleagues for some other points. With regard to for-

warding the cheques within two weeks, again this is a program—the government doesn't get any benefit from holding on to these cheques; the cheques are payable to a farm organization. It's already written in the act. I know our amendments aren't here yet, but there's no way that we can tie in through the bill a two-week turnaround like that, especially at this time when we're going through the program. It's clearly in the act that we will send them on promptly and I think that is the best you can do. To get it tied into two weeks is just going to create a problem in the bill.

The refund, six weeks after the cheque is given to the ministry, this again is somewhat the same argument or the same discussion we've had, with the above time lines, and I know we discussed a few minutes ago with our colleague Mr Villeneuve and we will, I think, look at regulations to make sure we can define "promptly" so that everyone understands what that means. I think that is the way to go, so we can't support that.

On the administration costs, it says clearly that the cheques are given back to the farm organizations and I really feel that is not necessary.

On the refund, again, it's in the act already. That is spelled out, that the amount that you pay is the amount you receive back.

On section 6, refund again, it goes back to where we were talking about promptly sending the cheque back when someone has asked for a refund, and I think your intent is fine. I do believe that even our proposed amendments, when we get them on the record, will better clarify, and the discussions that we had earlier, with regard to the regulations.

Then, when you move on to sections 20 and 21—we'll start at the bottom—the vote entitlement issue has come up, and in fact we are going to have an amendment which clearly tells people that if you send this registration fee to a farm organization, it might not be that you are deemed accredited for a voting member, and people will know that and choose to decide, do they want to send, in this case \$150, to an organization which does not give them voting privileges? That will be their decision to do, just like it is now. I belong to an organization and it's so many dollars just to be a member. If you want to be a voting member, it says you have to pay more. It's a neat way to raise money, I guess.

1500

On the insurance, that's something that I believe has been discussed a number of times, and I'm going to let Rolly, because he was in the committee dealing with that. I know I've seen many briefing notes because it was something that was discussed. I'll let him expand on that and the reasoning and rationale why we can't support that issue.

Mr Stroeter: The issue of requiring farm organiz-

ations to carry insurance we feel is adequately addressed by restricting the time limit in which farm businesses can apply for a full refund, and as we are suggesting, we're thinking of 60 days. We feel that the farm organizations have a sufficiently strong fiscal position to keep the money in the bank for 60 days. We don't feel that it is necessary to cover that in insurance when really the action has to be taken in such a short turnaround time.

Mr Villeneuve: The social contract implications: I could see where, if a cheque were received on December 20, within two weeks might be difficult for the Ministry of Agriculture and Food, and it doesn't say working days. It's difficult to define "working days" these days. I have a little problem—

The Chair: Those are the non-leisure days.

Mr Villeneuve: The non-leisure days.

Mrs Fawcett: Hopefully, they're the non-working days in two weeks.

The Chair: Hopefully they're not the same days.

Mr Villeneuve: Promptness is quite obviously the gist of this amendment, and I certainly agree with a lot of the areas. The insurance could be a very costly thing, and I think we've had the two recognized GFOs operating for quite some time. I'm not sure what insurance would cost.

The final one, subsection (9): The Christian Farmers Federation of Ontario has its annual membership set at \$425. They're reducing that by \$150. I'm not sure that the Christian Farmers could live with number (9) in that, would they be voting members? I think there's conflict there. They don't refuse any memberships but I'm not sure that they could be full-fledged members of CFFO under this amendment.

I agree with the gist of this amendment if promptness is what we're attempting to do, but with the social contract and with CFFO on two of those and then the question of costs for insurance, I have some reservations.

Mr Hansen: I remember that when the OFA was here, the one thing it said was that it's interested in people staying with the OFA. So what they would endeavour to do is to make sure they had the cheques refunded to that particular person who asked for that refund, because in the following years, possibly that person would say, "They sent the cheques so quickly that I'll stay with that organization," plus they also have the choice of saying, "Well, next year—the OFA or the Christian Farmers were slow—I'll give to the OFA rather than this particular GFO."

I believe on the Christian Farmers I'm going by what I heard, and I haven't got Hansard in front of me, but for the \$150 you were on the list to receive all the benefits from the Christian Farmers but you didn't have a vote at that amount. They're still discussing, as he

said at that point, on the fee structure, of what it costs to belong to the Christian Farmers. That hasn't been okayed by the executive as it is. So I think it's a sales job here, that these farm organizations—we might see a third one in there, or a fourth one in the years to come, and they'll vie for that membership in their particular organization, and how they're doing the job for the farm organizations out there will be more competition.

Mr McLean: Could I have a clarification on the refund portion of it. Mr Cleary's amendment says, "A person who has a registration number may apply to the appropriate organization for a refund of the amount of the cheque if the application is made within six weeks after the cheque is given to the ministry." I'd like a clarification from the ministry: Is there going to be an application that the farmer would be able to send in for his refund? I've had word here that it could be a letter. This is a very grey area that's not defined, and there are no time limits or anything. Are there any other amendments coming that are going to define that?

Mr Stroeter: Essentially, any written notification—it could be a fax, it could be a letter; a telephone call would not be sufficient because there would be no permanent record—to the farm organization will do and will be accepted by it as a request for refund. They're not particularly form-happy and feel that there needs to be a special form. This information, by the way, will be made known to the farm businesses at the time when we send out the registration form. A brochure will be included and it will be explained exactly what the procedure is for requesting a refund and what the time lines will be.

Mr McLean: What do you anticipate, with a supplementary then, that the time lines may be? I'm glad to hear that you're going to have it on the application now. What are you kind of recommending the time lines are going to be—60 days?

Mr Stroeter: What we have out for discussion is 60 days from the time that the farm organization has received the payment.

Mr McLean: Fine. That's reasonable.

The Chair: Further discussion? All those in favour of Mr Cleary's motion, please indicate. All those opposed? The motion is defeated.

There is a government motion on section 20.

Mr Klopp: I move that section 20 of the bill be struck out and the following substituted:

"Payment

"20(1) Every person required to file an annual farming business registration form with the ministry must, when filing the form, provide to the ministry payment of the prescribed amount.

"Same

"(2) The payment to an accredited farm organization must be in the form of a cheque or in another form acceptable to the ministry.

"Forwarding payments

"(3) The ministry shall promptly forward the payments to the appropriate organization along with the names, addresses, telephone numbers and registration numbers of those who provided the payments.

"Registration number

"(4) The ministry, on receiving the annual registration form and the payment, shall assign a registration number, for the year of registration, to the person filing.

"Revoking registration

"(5) If the organization is unable to collect the payment and notifies the ministry that the payment has not been honoured, the ministry may revoke the registration number of the person who provided the payment.

"Restoring registration

"(6) After a registration is revoked, if payment is remade that is collected by the organization, the ministry shall restore the registration number.

"Refund

"(7) A person may apply, within the prescribed time, to the appropriate organization for a refund of the amount paid.

"Same

"(8) Subject to subsection (9), an organization shall promptly refund, to any person applying for the refund, the amount of the payment collected by the organization from the person.

"Same

"(9) A refund shall not be paid to a person who does not have a current registration number.

"No membership

"(10) Payment under this section does not confer membership in the farm organization."

There is some lengthy discussion there, explanatory notes. I'm going to ask Rolly or Louise or whoever wants to, to kind of go through. But I do believe we've had some of this discussion already in part. So could you please go ahead.

Ms Stratford: The changes to section 20 accomplish a number of things. Subsections (1) and (2), the basic change there is to elaborate on the form of payment. Previously, only a cheque was contemplated as satisfactory payment. After discussions with the farm groups, it was determined that this may be too narrow, that there may be farmers who wish to use a form of payment other than a cheque, so the word "cheque" has been removed and the word "payment" inserted.

Subsection (2) goes on to say that payment may be in the form of a cheque or in another form acceptable to the ministry. It would be the intent there for the minis-

try to indicate to farm businesses what forms of payment would be acceptable. The ministry's thinking here, of course, of money orders and perhaps Visa or MasterCard-type payments.

Mr McLean: No farm produce?

Ms Stratford: No payments in kind, I don't think, are contemplated.

Subsection (3), again, substitutes that word "payment" for "cheque." It also adds the words "telephone numbers." This is the information that the ministry will send along to the organization that is receiving the cheque. Previously, only names and addresses and registration numbers were going to be conveyed. The telephone number has been added as a result of discussions that were held with the farm organizations. They indicated a strong interest in receiving this information and the ministry has agreed to include it.

Subsection (4): The only change here is the word "payment," substituting for the word "cheque".

These subsections provide that if the farm organization to which a payment has been made is unable to actually collect the payment, for example, if a cheque is returned NSF, then that organization can notify the ministry of that fact, and the ministry then may revoke the registration number of the person who provided the payment.

If subsequently payment is remade to the organization that is honoured, the ministry would then restore the registration number. This provides some kind of mechanism to address the situation that the farm organizations were concerned about, wherein business would offer payments that couldn't be negotiated to collection.

The Chair: Further discussion? Are you finished?

Ms Stratford: There's more.

The Chair: I had a hunch.

Ms Stratford: Subsection (7) is where there now is inserted a time period within which a person may apply for a refund. The words "within the prescribed time" have been added. It's contemplated now to have a regulation which would set out the time period within which someone may request a refund, and you've heard Rolly speak about what's thought of there as a reasonable time.

Subsection (8): The only change again is "payment" instead of "cheque."

Subsection (9): No changes there.

Subsection (10) is new. This is to clarify a point that seemed not to be very clear, that being that payment under this section does not confer membership in the farm organization. Membership in the organization would be a separate step that a farm business would choose or not choose to take. If they requested their refund, then presumably they wouldn't be interested in membership and would so notify the organization. If

they didn't request the refund, the farm organization would presumably then ask them if they wish to become a member and they could advise them as they saw fit.

Mrs Fawcett: I'm concerned about subsection 20(1). "Every person required to file an annual farming business registration form with the ministry must, when filing the form, provide to the ministry payment of the prescribed amount."

I feel that this is going to be very confusing because before you had "payable to an accredited farm organization." We all know who that cheque's supposed to go to, as people who have been really involved, but I just think that the ministry's going to end up with a whole bunch of cheques payable to them by the way that's written now. Maybe I'm wrong, but I just feel that this is quite confusing. At first glance, because that's number one right there, they'll read that and they won't go any further and then the Ministry of Agriculture and Food is going to have the cheque.

The Chair: Mr Klopp, do you wish to respond?

Mr Klopp: I think we can probably clean that up a little bit.

Ms Stratford: I think that's a good suggestion.

Mr Klopp: A friendly amendment. It does say in the second section, but I agree when you first read that—

Mrs Fawcett: I realize that, but I think first, bang, you should get it in there.

Mr Klopp: How would that read, that you fill out the forms—

Mrs Fawcett: Just continue the way it was here.

Interjection: Or change the wording.

Mr Klopp: Yes, very good.

The Chair: I think it probably is in the best interest if we have a short recess and get something drafted, put together properly and then—

Mr McLean: Just reverse (1) and (2) and I think you've cleared it up.

The Chair: We will recess for 10 minutes.

The committee recessed from 1514 to 1529.

The Chair: Ms Fawcett, I understand you have an amendment to Mr Klopp's motion.

Mrs Fawcett: Yes, I do.

I move that the motion be amended by adding "payable to an accredited farm organization" at the end of subsection 20(1) as set out in the motion.

The Chair: Do you wish to speak to your motion?

Mrs Fawcett: I think everyone understands why this is being added.

The Chair: Further discussion? Seeing none, all those in favour of Ms Fawcett's motion, please indicate.

Mr Villeneuve: This is an amendment to the amendment?

The Chair: That's correct. All those in favour? Opposed? Ms Fawcett's amendment is carried.

Further discussion on Mr Klopp's motion, as amended? Mr Cleary, Mr Villeneuve and Mr McLean.

Mr Cleary: Being we haven't been in on the discussions with the different organizations and there seems to be some confusion on the membership fee, "Payment under this section does not confirm membership in the farm organization," I would just like to know what discussions took place with the different farm organizations, because I'm getting two different readings here.

Mr Klopp: Rolly, would you mind explaining this?

Mr Stroeter: The discussions that have been had among the farm organizations were essentially along the lines that there's no automatic membership in any of this, that there's a second step, an elective step, to be taken by the farm business to elect membership. That was the first point, and all the participating organizations have agreed to that.

The second issue then is where the fee is higher than the \$150 payment provided. We have one organization where that indeed is the case, and that's the Christian Farmers Federation of Ontario. They definitely have made the decision to credit the \$150 towards a fee but at the moment are still working out the technical details on how to go about the rest. The current thinking is that to have a full voting membership in the organization, one has to choose and elect to become a member and probably pay a supplementary fee. For the \$150 they would be entitled, however, to all the information material the organization provides to its members.

The Ontario Federation of Agriculture has said that it will essentially accept the \$150 as a full fee and its plans are to provide, if you like, an opting out clause to members. They will say, "You will have automatic membership provided unless you let us know within a certain number of days that you do not wish to be a full member of the OFA." There is no second step required unless the individual doesn't indeed want to be a member of the organization.

Those were the discussions that were held with the farm organizations.

Mr Villeneuve: Who is the cheque payable to?

Mr Stroeter: To the farm organizations.

Mr Villeneuve: And then, because of the religious beliefs requirements, they would qualify for the benefits and yet not have membership within either of the existing GFOs. Do I get that right?

Mr Stroeter: No. They will have to choose to become a member. In the case of the OFA, it's sort of a negative opting out; you are deemed to be a member unless you notify them differently. In the case of the CFFO, there's an active declaration of membership required.

Mr Villeneuve: Does this, in your opinion, meet the Mennonites' requirements as we heard them yesterday? I had some difficulty in quite understanding what they are—they have no problem paying the \$150. I'm not sure if they have a problem with registration, but they don't want to be part of a lobby group. Does this meet their needs?

Mr Stroeter: I'm wondering if we'll leave that discussion till we get to section 21.

Mr Villeneuve: All right.

Mr McLean: The question I have is, why the telephone numbers? I don't mind them having the names and addresses and postal codes, but why the telephone numbers?

Mr Stroeter: The short answer for that is in the case of any problem about the payment, if there's any problem with a bad cheque or so on. Apparently even currently there are problems with cheques inadvertently not clearing the bank. So this will facilitate this process. For example, there's a provision for revoking the registration number if a payment is not honoured, but clearly it is in the farm organization's best interest to phone up the farm business first and inquire: "Are you aware that your cheque didn't clear the bank? Was this intentional or could you send us another cheque?" The telephone number will be very helpful in that regard.

Mr McLean: Why is subsection (9) in there, "A refund shall not be paid to a person who does not have a current registration number"? He wouldn't get the registration number unless they had his cheque there, would he?

Mr Stroeter: It's a fail-safe mechanism, really. It could potentially be that the farm organization receives the refund request before they have received the payment, because the refund request is sent to the farm organization. The payment is sent with the registration form through the ministry. So it could be, if a farmer mails these things out the same day, for example, both forms, that the farm organization could have a request for a refund on its hands before it actually has the payment.

Mr McLean: Mr Cleary had an amendment here a while ago with regard to the money being sent to the farm organization from the ministry. How long are you anticipating the ministry's going to take to deal with that before the farm group gets it? Is there going to be any deadline?

Mr Stroeter: As I suggested this morning in my presentation, in the ministry's busiest programs dealing with the heaviest workload and the largest number of clients we have a six- to eight-week turnaround time. We're quite confident that on an expedited process we'll be able to have a four-week turnaround time or less under this scheme. However, as was pointed out before, it depends on the time of the year. If it happens to be

the Christmas period with social contract days, we might be off by a few days.

Mr McLean: If the farmer has 60 days to apply for his refund, how is he going to know then whether it's taken 50 days to go from the ministry office to the farm organization? When do his 60 days start, after the farm organization gets it?

Mr Stroeter: Yes, after the farm organization actually has received the payment. That is correct.

Mr McLean: How is the farmer going to know when they get it?

Mr Stroeter: Through a bank statement, for example, a bank record, it can be determined when a cheque was cashed.

Mr McLean: Well, farmers don't always have their—I don't know when my cheque's cashed.

Mr Stroeter: There's a stamp at the back of the cheque plus there's a bank statement.

Mr McLean: But I don't get my cheques. So how am I going to know?

Mr Len Wood (Cochrane North): Phone the bank.

Mr Stroeter: I think the other way you will know is that the farm organization will notify you promptly when it has received payment and thank you for having supported it and provide you with membership information. So that would be the second step, plus you will receive a letter from the ministry giving you a registration number, which is a signal that, once you get your number, the payment has been moved on to the farm organization. So there are two signals at least you will be having, plus your own bank record as a third one.

Mr McLean: That's clear as mud.

Mr Villeneuve: We've just got to make sure that the farmer knows that within 60 days of his sending the cheque, if indeed it is his or her request to have the money reimbursed, they have the correspondence in to the designated GFO.

Mr Waters: It would be my assumption, and hopefully when we go to do this registration the ministry would indeed be sending out a very straightly worded message with every package that went to every farmer, very clear, concise, "These are the rules and these are things you watch out for." It's my assumption that would happen.

1540

The Chair: Further discussion? Seeing none, all those in favour of Mr Klopp's motion, as amended, please indicate. Opposed? The motion is carried.

We'll deal with section 20 of the bill, as amended. Shall section 20 of the bill, as amended, carry? Carried.

May I have unanimous consent from the committee to stand down section 21? Agreed.

We'll move to section 22 of the bill. Shall section 22 carry? Carried.

We'll move to section 23 of the bill. Is there any discussion on section 23?

Mr McLean: What is the order in council going to be? What are these tribunal members going to get paid? Does anybody have any idea?

Mr Stroeter: They would be paid the normal per diem rates as published by the Management Board secretariat, which are amended from time to time, and they will also determine which class of payment they will receive, so the normal government rates.

Mr McLean: It goes from about \$500 down to \$120.

Mr Stroeter: Oh, no, much less.

Mr Klopp: Those were the good old days.

Mr Waters: That was under the Tories.

Mr McLean: The lawyers who get appointed to these tribunals still get \$500.

Mr Stroeter: I believe they go from \$160.

Mr Villeneuve: Would that also include expenditures, ie, overnight accommodation and mileage?

Mr Stroeter: If indeed overnight accommodation would be required, then yes, it would. I would think we want to keep the cost of this tribunal down to a minimum and make sure it only meets as required, and particularly on religious exemptions meets in small panels. That's where the panels of three comes from.

The Chair: Further discussion on section 23 of the bill? Seeing none, shall section 23 carry? Carried.

We'll move to section 24 of the bill. Discussion on section 24? Seeing none, shall section 24 of the bill carry? Carried.

Section 25: discussion on section 25?

Mr McLean: Could I have an idea of what the cost would be to gather the information? That could be a week's work. What does section 25 with regard to the documents pertain to?

Mr Stroeter: For example, in a decision when a farm organization claims to have a certain number of memberships and a certain number of branches, it might be reviewing documents, financial statements or any membership records that may be kept by the organization. So it could be reviewing evidence that is required to prove accreditation.

Mr Villeneuve: How many employees is it anticipated that the tribunal may require?

Mr Stroeter: We require that the tribunal will have really no direct employees, but we'll provide the limited administrative support that it needs from time to time through ministry staff.

The Chair: Shall section 25 carry? Carried.

Discussion on section 26? Seeing none, shall section 26 of the bill carry? Carried.

Is there any discussion on section 27?

Mr McLean: Yes. "The tribunal may make...rules it considers necessary for the conduct and management of its affairs." Is there anticipated to be some legal advice on this committee? Where are they appointed from? Is there any layout of the types of individuals who are going to be appointed, their qualifications and so on?

Mr Stroeter: In previous discussions we have said that these people should be pre-eminently knowledgeable and qualified to know agriculture in Ontario and know the work of general farm organizations. However, they could not be officers or directors or any officials of any of those accredited organizations or those seeking accreditation.

In terms of procedures, the tribunal is free to set its own procedures on how to hold hearings, but clearly there are strong precedents on how to conduct hearings and so on and other legislation, like the Statutory Powers Procedure Act, would outline certain minimum requirements that would have to be met by the tribunal when it conducts its business.

Mr McLean: What vision do you have of the committee being formed? You say you can't be part of the groups, but could you be a farmer and be appointed?

Mr Stroeter: I would hope that would be something that would qualify you and—

Mr McLean: They're men outstanding in their own field, most of them.

The Chair: Keep your day job, Al.

Shall section 27 of the bill carry? Carried.

Is there discussion on section 28 of the bill? Seeing none, shall section 28 of the bill carry? Carried.

I look for unanimous consent to stand down section 29. Agreed. Section 29 is stood down.

Is there discussion on section 30 of the bill? Seeing none, shall section 30 of the bill carry? Carried.

Is there discussion on section 31? Seeing none, shall section 31 of the bill carry? Carried.

Section 32: I believe there is a government amendment. Actually, we'll go to the Progressive Conservative amendment.

Mr Villeneuve: We're simply looking to add to paragraph 32(1)14. It reads presently "respecting the period within which cheques must be provided and refunds requested." Now, we had our amendment defeated which said 30 days, so we don't have a period of time any more, other than "promptness."

The Chair: Mr Villeneuve, are you moving that paragraph 32(1)14 of the bill be amended by adding at the end "and refunds requested"? Is that correct?

Mr Villeneuve: "And refunds requested," yes.

The Chair: Mr Villeneuve has moved same. Discussion on Mr Villeneuve's motion?

Mr Klopp: I think this makes it redundant, my

friend. So as not to be inconsistent, we can't support this as the government.

Mr Villeneuve: I appreciate that.

Mr Klopp: I'm sure.

Mr McLean: I have a question with regard to subsection 32(1), with regard to the annual gross income. Is that in order now?

The Chair: Certainly.

Mr McLean: Okay. The process of determining the gross income—I discussed it with my colleague and I understand that \$7,000 is there. But if you're a retired businessman and you live on 100 acres and you rent 50 to a farm operation that makes more than the \$7,000, do you qualify for the tax rebate on your property?

Mr Klopp: The short answer is yes, but I'll let Rolly explain the procedure.

Mr Stroeter: The answer is yes if the land is rented out to a farm business that is part of a production that at least grosses \$7,000 in production. So we don't envision the rules of the farm tax rebate program to change under this. They aren't affected by this bill. So the short answer is yes.

Mr McLean: He has two houses on his property, so he would therefore get what percentage back of his taxes that he pays?

Mr Stroeter: Two houses? Could you elaborate?

Mr McLean: Well, the individual owns two homes on a piece of property, rents out half of it to a farmer who has a gross income over \$7,000. He applies for his tax rebate back because the farmer is in the position of making enough money. Does he get his taxes back based on his total taxes that he pays for the property with two houses on it?

Mr Waters: Or on the portion that is being farmed, is what he's saying. Which way?

Mr McLean: That's what I'd like clarified.

1550

Mr Stroeter: What I would like to do is get the answer for you on this. It's a highly technical answer that I'm not totally familiar with, but I can get the answer for you by tomorrow.

Mr McLean: What are they doing now? How is it done now?

Mr Stroeter: That's what I would like to verify before I answer.

Mr Villeneuve: Right now, it's 75%—it was 75% of your taxes. Now there is a freeze at \$159 million and, according to the minister's answer pursuant to a question in the House, it will be between 71% and 72% of the taxes paid because of the freeze at \$159 million.

Mr Stroeter: Was that your question, or was—

Mr McLean: No. My question was, what part of his taxes would that individual get back? He pays so much

taxes on his home and 100 acres of land.

Mr Stroeter: We know for sure that the owned home and the one acre associated with it is not rebated. So that's one part that is 100% not rebated. I suspect that the rest of the property tax bill will be rebated in full but, as I said, I would like to verify that.

Mr McLean: So 75%. He should really be paying the farmer to rent his land, then, instead of the farmer paying him. He should be paying the farmer.

The Chair: Mr McLean, Mr Stroeter has indicated he will obtain the information and have it available for first thing tomorrow morning, and I believe he understands your request. Mr Waters, did you have a point?

Mr Waters: This is a curious thing, but you could actually put two or three residents on your property and only have to be penalized for one, and the rest could be considered farm? I don't think so. I think the ministry caught on to that.

Mr Villeneuve: A house and one acre, you used to get back 75%. Now, because of the freeze on it, it'll be between 71% and 72%.

The Chair: Thank you for your comments, gentlemen.

All those in favour of Mr Villeneuve's motion, please indicate.

Mr Villeneuve: I actually withdraw that motion because it is redundant pursuant to what's happened previously.

Mr Klopp: Appreciate that.

Mr Villeneuve: It makes for a good discussion, though.

The Chair: For the record, the motion has been withdrawn.

Mr Villeneuve: So is the next one. It falls into the same category and therefore that motion will be withdrawn by myself.

The Chair: We now have a government motion on section 32 of the bill. Mr Klopp.

Mr Klopp: Subsection 32(1), paragraphs 4, 8, 13 and 14: I move that subsection 32(1) of the bill be amended by striking out paragraphs 4, 8, 13 and 14 and substituting the following:

"4. prescribing anything that the act requires or authorizes to be prescribed, or refers to as prescribed;

"8. prescribing the period during which an application must be filed for the purposes of subsections 4(2) and 16(1);

"13. prescribing the amount of payment to an accredited farm organization."

These are basically a lot of housekeeping regulations as we've seen us move through different chapters and in order for the ability to make regulation. That's where they come from. I will turn it over to our very good

administrators there if they want to further clarify this for my colleagues here today.

Ms Stratford: I can provide some more clarification. Specifically, in paragraph 4, we're taking out the current wording, which is the ability to make regulations respecting the time for filing forms. The reason for that is that we have an earlier amendment that has been carried which would allow the minister to decide those times, so that authority isn't needed any more.

The new paragraph 4 is a general clause which would allow for prescribing regulations in situations where we haven't tracked the wording into section 32. It's a standard clause that should have been included in the first place, a very routine thing in regulation-making sections.

Paragraph 8 is there to pick up on earlier amendments that were carried concerning the time for applying for a renewal of accreditation.

Paragraph 13 simply substitutes the word "payment" for the word "cheque."

Mr McLean: Could I have a clarification on 14? Maybe I was asleep or something. "Respecting the

period within which cheques must be provided": What period are you talking about?

Ms Stratford: We're proposing to delete that paragraph altogether in this motion.

Mr McLean: Paragraph 14?

Ms Stratford: Yes, in the bill it makes clear that cheques are to be provided with the registration form, so this power isn't necessary.

The Chair: Shall Mr Klopp's motion carry? Carried. Shall section 32 of the bill, as amended, carry? Carried.

Thank you. We will adjourn until 10 am tomorrow morning, and we will resume with the stood-down section 21.

Mr McLean: In this room?

The Chair: We'll start with section 21, in this room.

Mr Klopp: At what time?

The Chair: At 10 am.

Mr Klopp: Is that morning?

The Chair: Thank you. We are adjourned.

The committee adjourned at 1556.

CONTENTS

Wednesday 1 September 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42 R-207

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- ***Chair / Président:** Huget, Bob (Sarnia ND)
- ***Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)
Conway, Sean G. (Renfrew North/-Nord L)
- *Fawcett, Joan M. (Northumberland L)
Jordan, Leo (Lanark-Renfrew PC)
- *Klopp, Paul (Huron ND)
Murdock, Sharon (Sudbury ND)
- *Offer, Steven (Mississauga North/-Nord L)
Turnbull, David (York Mills PC)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway
Hansen, Ron (Lincoln ND) for Ms Murdock
McLean, Allan K. (Simcoe East/-Est PC) for Mr Jordan
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr Turnbull

Also taking part / Autres participants et participantes:

Ministry of Agriculture and Food:
Burak, Rita, deputy minister
Stratford, Louise, director, legal services
Stroeter, Rolly, director, farm assistance programs branch

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Yurkow, Russell, legislative counsel

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R-12

R-12

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Third Intercession, 35th Parliament

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Official Report of Debates (Hansard)

Thursday 2 September 1993

Journal des débats (Hansard)

Jeudi 2 septembre 1993

Standing committee on resources development

Comité permanent du développement des ressources

Farm Registration
and Farm Organizations
Funding Act, 1993



Loi de 1993 sur l'inscription
des entreprises agricoles
et le financement
des organismes agricoles

Chair: Bob Huget
Clerk: Tannis Manikel

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LEGISLATIVE ASSEMBLY OF ONTARIO

R-235

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday 2 September 1993

The committee met at 1024 in the Huron Room, Macdonald Block, Toronto.

FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

LOI DE 1993 SUR L'INSCRIPTION DES ENTREPRISES AGRICOLES ET LE FINANCEMENT DES ORGANISMES AGRICOLES

Consideration of Bill 42, An Act to provide for Farm Registration and Funding for Farm Organizations that provide Education and Analysis of Farming Issues on behalf of Farmers / Loi prévoyant l'inscription des entreprises agricoles et le financement des organismes agricoles qui offrent des services d'éducation et d'analyse en matière de questions agricoles pour le compte des agriculteurs.

The Chair (Mr Bob Huget): We will resume clause-by-clause analysis of Bill 42 with the stood-down section 21. The government has a motion. Mr Klopp.

Mr Paul Klopp (Huron): I move that section 21 of the bill be amended by striking out subsections (1), (2), (3) and (6) and substituting the following:

"Religious objection, individual

"(1) If an individual carries on a farming business and objects to making payments to a farm organization because of his or her religious conviction or belief, the individual may apply to the tribunal for an order that payment be waived.

"Religious objection, corporation

"(2) If a corporation carries on a farming business and an individual who is a shareholder or a member of the corporation objects to the corporation making payment to a farm organization because of his or her religious conviction or belief, the corporation may apply to the tribunal for an order that payment be waived.

"Religious objection, other entity

"(3) If an entity other than a corporation carries on a farming business and an individual who is a member of the entity objects to the entity making payments to a farm organization because of his or her religious conviction or belief, the entity may apply to the tribunal or an order that payment be waived.

"Order of tribunal

"(6) If the tribunal is satisfied that an individual referred to in subsection (1), (2) or (3) objects to making payment to a farm organization because of his or her genuinely held religious conviction or belief, it has the order that payment be waived."

The Chair: Thank you, Mr Klopp. Your rationale?

Mr Klopp: The proposed amendment to subsection 21(2) is a housekeeping amendment. It recognizes that some farm businesses may be carried on by a corporation with share capital. In this case there may be members instead of shareholders. They should each have similar rights in the area of religious objections.

The proposed amendments to subsections 21(1), (2), (3) and (6) replace the word "cheque" with "payment." This reflects the proposed amendments to section 20 that would allow persons carrying on farm businesses to submit payment in other forms acceptable to the ministry as well as by cheque.

Mr Steven Offer (Mississauga North): If I might start this discussion, the parliamentary assistant and ministry officials were here when we had a presentation by Mr John Drudge, who is a bishop with a Mennonite church. The bishop indicated that the concern he brought forward to the committee was not on the basis of the provision of a cheque but also on the fact of registration. On the basis of his presentation and a further letter filed with this committee, exhibit 3/01/044, are the parliamentary assistant and the ministry prepared to meet the concerns raised by that deputant?

Mr Klopp: I believe we've had a long discussion, as has been mentioned earlier in the hearings, with the Mennonite community. That's been discussed. We felt that we have come a long way to answering as many questions as we can. You're referring to the last letter that came, which we just received. I think we have answers for them. If you want to pick them out exactly, it's a long letter, as you know, and I don't know exactly which ones you're referring to, but if you want to go through them, we can do that. We have legal counsel here. Rolly, as I said earlier on, has been quite involved in the discussions, and I will rely on them plus the deputy and myself to answer questions.

Mr Offer: To me, this is not a matter of political partisanship. This is a matter of an individual who has said that by virtue of religious beliefs the wording of the bill will, of necessity, disentitle that person and all that follow in those religious beliefs to current and potentially future farm assistance programs.

I have the letter and I can refer to a part that says—I am quoting in part—on the first page, "We do strongly object to registration under Bill 42." On page 2, under number 2, it says, "Registration under Bill 42 is a violation of our belief." Under number 3, it says, "Registration under Bill 42 is a violation of our principles."

It is not just the writing of a cheque, and I understand

the amendments which deal with the provision of a cheque. The bishop has said it is not just that; it is the registration itself. The question is, political partisanship aside, forgetting what one's position is on Bill 42, putting all that aside, can legislators in this assembly vote in favour of a provision which we have heard from a bishop will disentitle them to a government assistance program as a result of following their religious beliefs?
1030

Ms Rita Burak: I would like to add to the comments Mr Klopp made, because like other staff in the Ministry of Agriculture and Food, I have been personally involved in meetings with a number of bishops and elders from the Mennonite community. As Mr Klopp would speak for the minister, I would repeat on the minister's behalf and on behalf of everyone involved in the ministry that we are very sensitive to and want to respect the beliefs of the people we met with.

I'd like to just spend two minutes and perhaps ask staff to expand on the process we went through and the policy thinking behind where we have come to.

We had, as the record would show, a number of meetings with representatives of the community before the first bill was tabled, and subsequently, this spring, there was at least one other meeting, one that I attended. Many things were tabled in these committee hearings. We would be pleased to distribute the one piece of material that was sent to the ministry. We were not privy, by the way, to a lot of the minutes that were tabled today, but we were given a summary of views by the Mennonite central committee. We can table that.

More importantly, I would simply say, and perhaps turn it over to Rolly or Louise, we have attempted to respect the views that we heard. My recollection of the meeting I attended is that there is a spectrum of beliefs within the community, and in that sense it is very difficult to ensure that we do not offend any particular group in the community. It's in that spirit that we came to the wording we've got before us. I don't know whether a more detailed explanation would be helpful, but that is in summary what we have tried to do.

Mr Allan K. McLean (Simcoe East): Mr Chairman, while he's passing that out, could I ask for a clarification of what criteria the tribunal will have with regard to making a decision on registration?

Mr Klopp: That is a procedure which Louise, I believe, is quite clear on. The tribunal is in her capacity.

Ms Louise Stratford: Mr McLean, if you mean by that how will they assess if someone has the religious conviction or belief, there won't be a set of rules for them to follow. This is a judgement they'll have to make based on the information they have before them, and I guess that will vary depending on what the person's religious belief really is. No doubt the tribunal would have some streamlined procedures for groups that

would contain large numbers of people, such as the Mennonite community. The tribunal would not be looking to have each individual come before it, for example, to prove his faith. The tribunal would have the power to accept evidence, perhaps from a bishop or some leader in the community, attesting to the fact that, "These persons are members of my congregation and I can certify that they are of this religion." That would satisfy the tribunal. That would discharge their duty in determining whether those persons had the belief, so I would see it being somewhere along those lines.

Mr McLean: So anybody who is a Jehovah's Witness could apply, the same as the Mennonites.

Ms Stratford: That's right.

The Chair: Mr Cleary is next in the flight path.

Mr John C. Cleary (Cornwall): I have to say that as to this letter my colleague has referred to, there are pretty strong statements in there, and in number 1, on Mr Buchanan's statement of August 23, where it goes on to say about the minutes of the meeting, if that was not the belief of the Mennonite people I am very concerned that a bishop of that faith would put that in a letter. Then we get this other that was handed out here, number 4.

There's something I'm missing here and have been missing for a considerable length of time, because we've been getting these vibes from the Mennonites for a considerable length of time. That's why it's very important that these hearings took place and this legislation wasn't rammed through the way it almost could have been. I think this is a non-partisan thing and it's very serious and there's got to be something done here.

Mr Offer: I'd like to join with Mr Cleary on the letter and on the fax from the Mennonite Central Committee, because I was concerned. Here we have a bishop saying something about the fact of registration. I had thought the concern with the legislation would have been only with respect to the writing of a cheque and, as such, there would be some approval for the provisions, and then the bishop comes and says something different, that the objection is with registration. Now we have the letter from the Mennonite Central Committee, paragraph 4, which I think justifies everything that the bishop said.

Paragraph 4 reads, and I think we have to have this on the record:

"They observe that the present legislation and regulations do not deal with their concerns about registration and the link to 'government social assistance programs.' Therefore, they expect"—this is, I imagine, the Mennonite Central Committee—"that a number of the members of these groups will simply choose not to register and accept their consequent ineligibility for various OMAF programs and the farm tax rebate."

This is exactly what the bishop has said. So the

question that we have, as legislators, is to say, "Are we prepared to put in a piece of legislation a provision which does not meet the concerns of a group of individuals by virtue of their religious conviction and that will, in effect, because of maintaining their religious beliefs, make them ineligible for farm assistance programs? I'm not prepared to do that."

1040

Mr Rolly Stroeter: For the record, I would like to explain a little bit more about this link between number and so-called government assistance programs. The Mennonite community leaders we met with—Mr Drudge was not part of those meetings, but there were about a dozen to 20 bishops we met with during the various consultations. They explained their concerns to us, that essentially, for many of them, they do not wish to partake in any government assistance programs.

For example, under the Canada pension plan, they've made a special arrangement with the federal government whereby they are assigned a very special number that automatically disentitles them from any benefits under any social legislation or social payment programs. We indeed have discussed that option as well under this bill, and for the bishops, in their view, that would have been a compromise position that they would have been comfortable with, for example, if we were to issue a special number that then subsequently does disentitle them from any programs, because that's central to some of their beliefs.

The fact of the matter is that there are some members of the Mennonite community who do not hold such a strict view of accepting social assistance programs, and as we have heard from the bishop, there are some who do accept the farm tax rebate, as a rebate and not as an assistance program.

We have discussed various options with the bishops on how to deal with this, and as I said, there's a precedent at the federal level with the assignment of a special number, but clearly this would then put the government between the bishops and their community members, their congregation members, because if individuals within the congregation wished to obtain the farm tax rebate, they then were prevented from doing so by having this special number. So, while again it meets the needs of some members of the congregation, it doesn't meet the needs of others. Clearly, this is a complex area and there's a diversity of views and beliefs within any religious community, as the deputy has pointed out.

Alternatively, we looked at other options and within the ministry asked, "Is there any way we could really accommodate everybody's wishes?" One of the things we looked at, the first one, is the way it's in the bill right now. You get exempt from writing the cheque but you still have to go through the registration process, and you obtain a number and then it's up to each individual's beliefs if they wish to take part of the farm tax or

not. That's how Bill 42 operates at the moment.

The second option would be the bishops' option, their fallback option, if you like, whereby we would issue a special number that would automatically disentitle any people who have this number from the farm tax rebate program.

The third option would be to open up the whole thing wide and say: "We exempt you from payment and registration. Don't register with us, and by the way, if you want to go to farm tax, go to farm tax, and do as you please." That would be the widest possible and most flexible option. However, this, in our view, also goes against the intent of Bill 42, because Bill 42 is about the registration system of the farming community and it's somewhat central to that.

Then the fourth option would be that we consider exempting them from the payment, but make them register but do not assign a number, don't give them a number but make them register the census information. Then we would have to come up with a scheme whereby any religious exemption orders issued by the tribunal would have to be cross-checked against any applicants to the farm tax program without a number to ensure that those who don't have a number but have a religious exemption order indeed can have access to the farm tax rebate program without a number. But again, I don't think that meets the needs of this bishop, for example, because it's not a number now that is a link; it's the name of the individual.

We have attempted to deal with this very difficult problem and had really come to the conclusion that because there is such a wide variety of views, from the government's perspective and in the context of Bill 42, the exemption order the way it is presently worded is probably the one that is most accommodating to a large segment of the community.

Mrs Joan M. Fawcett (Northumberland): I guess section 5 is the part that really jumps out at me, "We are pleading and pleading with you, to make laws that we can obey." I think somehow we have got to do that. We must find a way that they can be accommodated, because to me this group is a very special group with very special beliefs. I agree with what my two colleagues have said, that there just has to be a way or we really will fail. I cannot see that there isn't some way we can accomplish this.

The two options you were speaking about: Do we know whether or not this group has ever applied for any other program except their farm tax rebate? It's my understanding that the only thing they would want is money that they think is theirs to begin with, the farm tax rebate. They have no intention of applying for any other government program. To me, there it is, right there. They are eligible for their farm tax rebate, if that's their choice, and some of them won't even choose to do that, and so they get a special number. If they

want a special number that either allows them to get their farm tax rebate or not, if they choose, then is there not some way that we can work it out that way?

Mr Stroeter: I believe it is correct that the Mennonites do not participate in other programs; however, I do not know this for sure. We have self-contributory programs, for example, like crop insurance and revenue insurance, and I would be surprised if—that's a different kind of program; I wouldn't want to speak about that. However, in terms of other grant-type programs, you're probably correct. It's likely the farm tax rebate program is one of the larger programs that some members of the community would participate in.

Mrs Fawcett: Is there a way then to assign them the special number and that makes them eligible only for the farm tax rebate, if they choose?

Mr Stroeter: The problem is this doesn't deal with their objection. They object to a link between the registration system and entitlement to a program. That is the fundamental objection here, so that solution would not help.

Mrs Fawcett: Then would the ones who may request their farm tax rebate—I guess they would then also not register under the normal rules of Bill 42, just to do that. Well, then, we just exempt them completely.

Mr Stroeter: Short of a total—

Mrs Fawcett: It's their choice. There can't be that many of them. We're not talking of a large group here, and in the age of computers I cannot believe that it would be a major problem to deal with this special group in a special way. We have to do it. That's all there is to it, or I really cannot support this section without making that allowance.

Mr Stroeter: I believe that what some members of the Mennonite community would prefer is really a totally separate thing about registration and a totally separate thing about programs, and short of having two separate bills, I don't think we can accomplish that.

Mr McLean: To become a shipper of the Ontario Milk Marketing Board you have to register, and you're assigned a number and you pay a levy and you pay fees to the board for shipping your milk. The milk marketing board has dealt with the Mennonite community, and I would like to know from your ministry what special rights they have with regard to the milk marketing board, because I understand they were given some at the initiative of the milk marketing board. It would be interesting to know whether they pay the fees. I think they wanted exemption from fees for trucking. I think it would be interesting to know what has happened in that instance, because it appears they're asking for something the same here.

1050

Mr Stroeter: I do not have the answer to that question. I'm not familiar with this particular part of the

ministry program.

Mr Klopp: I'm not familiar with that either, but one of the things—when you talk about exemption of a fee and, in fact, in dealing with the consultation, which is also clearly in the letter of June 18, in streamlining, we allow that they don't have to pay a fee to any lobby organization at all. That addresses a long way the issue that I think you're raising about the dairy, how they make exemptions.

The intent of what we're looking for is to register how many farmers there are out there, and clearly they don't even have to give a cheque because originally, when we first started this, they were going to have to send a cheque too. The association said, "That still is sending money to a lobby group and we don't want to even have to send any money to a lobby group at all." We said: "Okay, that's fair. We'll allow an exemption that all you have to do is"—and the intent of section 21 is to come in—and all religions can look at this, not just one, but any religious person, for whatever reasons, and they don't have to send a cheque. They just have to register. So I think we've answered that.

Mr McLean: But you haven't given us the criteria by which the tribunal is going to deal with those requests. If you don't know what the criteria are going to be to get an exemption—you said anyone could apply of their own belief if they believe that they shouldn't have to pay it. What's the criteria for that?

Mr Klopp: I think Louise did try to explain how we set it up, but if she has more clarification, I'll look to her.

Ms Stratford: I can perhaps draw upon the Ontario Labour Relations Board as an example of what this tribunal might look to for some guidance on how to proceed. This section, I should mention, is modelled on the religious objections section from the Labour Relations Act. That board, in dealing with religious objections, has developed a set of criteria in attempting to assess the nature of an applicant's belief. These criteria have to be general, of course, but basically they are: Are the beliefs sincerely held? Are the beliefs religious? Are they the cause of the objection to paying the fee?

The tribunal presumably would be guided by those same three considerations and would rely upon the leaders of the religious groups to help them with satisfying themselves that a particular religion would dictate against providing a cheque, so it could be established that way.

In the matter of determining whether the individual holds the beliefs, as I suggested before, I think that could be again established through the leaders verifying that the person was a member of the congregation. I don't think it would be an overly complicated matter; it would simply be a determination of that fact.

Mr Offer: The problem I have at this point is I

know now that the concerns of the bishop, as brought before the committee, have been verified by the Mennonite Central Committee. Paragraph 4 is clear. I know that now.

I also know that the provisions under the legislation do not meet the concerns of the Mennonite community. I know there are now members in the Mennonite community who, while maintaining their religious beliefs and convictions, also apply and receive the farm tax rebate funds, and I know that if this gets passed into law, there are individuals in the Mennonite community who have received the rebate who will no longer receive the rebate.

Mr Stroeter shakes his head. But paragraph 4 is clear on that. It's absolutely clear that will be the consequence of the passage of this legislation and that section.

Now we have to ask ourselves the question, recognizing what the intent of Bill 42 is, do we place a higher priority on the intent of Bill 42 over the religious convictions of a group of individuals who are impacted by Bill 42? The question is, what's more important? I'll tell you something, I think this is a very serious—hopefully it will not be because it will be changed, but this could set an extremely serious precedent.

The question is, is the principle of Bill 42 so overwhelmingly important that it must step on the religious convictions of a group, a small group, of individuals who fall underneath Bill 42, or should we looking for some way in which the principles of Bill 42 can be maintained while, at the same time, guaranteeing the ability of some to follow their religious beliefs even though Bill 42 is passed into law? Obviously, if the section applied to both the cheque and registration, it may—and I don't know it will, but it might—meet the concerns of those in the Mennonite community if it applied to both areas, cheque-writing and registration.

I see in the letter no real concern by the Mennonite Central Committee over the fact of a tribunal. I don't see that. I see in their letter an acknowledgement of the effort made by the ministry in trying to deal with their concerns, but I also see that it doesn't go all the way.

How is it—it's less a statement than a question—that the ministry can justify this particular section knowing the position of the Mennonite Central Committee, especially as found in paragraph 4?

Ms Burak: Mr Offer, I would just respond briefly from the ministry perspective to a number of the points that you made. You stated that the letter from the Mennonite Central Committee emphasizes in point number 4 the problem that apparently all would have with the linking of registration and farm assistance.

Again, I would just repeat two things. First of all, we believe, based on our face-to-face meetings with a large number of representatives from those communities, that

a spectrum of beliefs is held, and I think Mr Stroeter did a very good job of outlining from a policy perspective and with this knowledge how we tried to logic out the possible optional ways of respecting that reality.

If you take the point in number 4 to some logical conclusion, again I repeat what Mr Stroeter has said, you have to virtually have two pieces of legislation, one which deals with registration and one which deals with stable funding for farm organizations. It was this consideration that led us to this being the best approach.

1100

Mr Offer: Why is it that there have to be two pieces of legislation, when all you are doing is giving an individual the ability to say, "I know the legislation, but the legislation itself contains a provision where, if I can demonstrate my religious conviction, I'm falling within Bill 42 by saying there's a section within Bill 42 that allows me to, in essence, opt out of 42 while keeping my farm assistance eligibility and religious conviction intact"? There is no need for a second piece of legislation.

I don't see the Mennonite Central Committee saying that. They're saying they're prepared to use the procedure established in 42 to move out, to make their case, to abide by the decision of the tribunal. If the tribunal said yes, as is in the Ontario Labour Relations Act, then they are free, if they wish, no matter where they are on that religious spectrum, to apply for the farm tax rebate or not, but there's no other piece of legislation that's required. In fact, it's using the legislation to accomplish their needs.

I just don't comprehend why the principle of registration under Bill 42, which will be accomplished for thousands and thousands of farmers, must override the Mennonite community, when it is saying, in essence, "Don't override us; just give us a process to get us out of having to register." I'm sure there's no other fear involved here. I'm sure there's no other fear that others would use that, because I wouldn't think that for a moment. I would believe that only those with specific religious convictions would come before the tribunal and make that case.

The fact is, the mere fact that people come before the tribunal and ask to be exempted from registration is notice to the tribunal of an individual. If one kept a list of all of those who came, you would have a pretty fair idea. So let's be frank about this thing. I think it does not detract from the principle of Bill 42 by accommodating the concerns of the Mennonite Central Committee.

Ms Burak: I don't want to take up too much of the committee's time, but with the reference that Mr Stroeter made and I made to the issue of potentially having two pieces of legislation, we were simply trying to express what we were hearing from some of the members of the community—it may have been also

repeated in some of the minutes of the meetings that were tabled—that for some there would be a problem with the framework of the legislation having some link between registration and having the compliance with that registration linked to the payment of a fee to a farm organization. In our most sincere efforts to understand their concerns, we did hear that. I apologize for taking so much time.

Mr Noble Villeneuve (S-D-G & East Grenville): Sorry to come in late. Will this be and have to be dealt with by every individual conscientious religious objector, or will a bishop be able to say, "Well, this is the list of people whom I am representing to date," a bishop or someone else within that religious organization?

Mr Stroeter: In our discussions with the Mennonite leaders, we have said that that would be a type of expedited process that hopefully the tribunal would consider. We can't tell the tribunal, really, how to conduct its business because it is independent, but clearly from a practical point of view, we would hope that the tribunal would consider that approach.

Mr Villeneuve: Secondly, will this be an ongoing, annual episode and the tribunal will have to again go over the road it had gone over the previous year to exempt these people?

Mr Stroeter: The policy intent is not to make this an annual process. Clearly, one doesn't change one's religious beliefs that often. However, there are some very practical considerations. For example, in the case of a corporation, and we know that about 13% or 14% of the farm businesses are actual corporations, only one of the members needs to have a certain religious belief and then the farm business can apply as a corporation to be exempted. Corporate structures change more frequently, and people move in and out of corporations, so in those kinds of cases, a more frequent review might be necessary. I think the tribunal would have to ask itself, "How long should we grant such an exemption?" They will have to take that into consideration. But clearly, it wouldn't be practical for a lot of applicants to have to repeat, on a yearly basis, an exemption request.

Mr Villeneuve: In the labour relations legislation, I gather you have verbiage in there that meets the requirements of the Mennonites or the religious objectors.

Mr Stroeter: The fundamental difference is that the labour relations act deals with individuals; we deal with farm businesses. Here we deal with a business entity and that is a complicating factor under Bill 42. The labour relations act deals with individual persons. There are no corporations to be taken into consideration. But I believe that any religious group can find accommodation under the labour relations act. I would also state that there are relatively few orders that were made under this exemption in the labour relations act.

Mr Villeneuve: There's got to be some legal

verbiage so that we can accommodate, hopefully without undue hassle, these people who are deeply religious and have convictions probably above and beyond what most of us sitting in this room have. We must respect that.

Mr Stroeter: The problem lies not in the registration as such. As the Mennonite community has stated, it has no problem with registering. The problem lies in linking that registration to a program entitlement. That is the fundamental problem, and short of exempting them totally from registration, it will be very difficult to deal with this.

Mr Villeneuve: I know there's a great deal of ambiguity here and it's not an easy chore, but there's got to be a way where ministry people, legal people, whoever, can get together and understand precisely what they have to have and meet their needs. Surely that can be accommodated.

Mr Klopp: I don't know if you were here earlier, and I know that you are very busy. I know that too. Rolly and the deputy went through a chronological order of all the discussions, as is even stated in the June 18 letter, trying to find the best of all possible worlds. Short of Rolly going through it again, and I know that you've been involved, but I think we have come today under section 21 as best as possible in this imperfect world to recognize all religious groups and people's opinions. I appreciate your comments.

Mrs Fawcett: But Mr Klopp, I just don't feel that we've got there yet. It's just not good enough. We must continue to try, and we must somehow accommodate this group because, as my colleague said, there isn't a more honest group. We know that they're not trying to pull the wool over our eyes, absolutely in no way, and there has to be a way to accommodate them. We have to stop and take a look at it and find the way.

Mr Offer: A recorded vote.

The Chair: Mr Offer has requested a recorded vote. All those in favour of Mr Klopp's motion, please indicate.

Ayes

Cooper, Hansen, Klopp, Waters, Wilson (Kingston and The Islands), Wood.

The Chair: All those opposed?

Nays

Cleary, Fawcett, McLean, Offer, Villeneuve.

The Chair: Mr Klopp's motion is carried.

Shall section 21, as amended, carry?

Mr Offer: Recorded vote.

The Chair: A recorded vote. All those in favour?

Ayes

Cooper, Hansen, Klopp, Waters, Wilson (Kingston and The Islands), Wood.

The Chair: All those opposed?

Nays

Cleary, Fawcett, McLean, Offer, Villeneuve.

The Chair: Section 21, as amended, carries.

Mr Offer: Mr Chair, I have a motion. I apologize for the lack of notice. After hearing the discussion, I would like to move that the committee ask the minister and ministry officials to reopen discussions with representatives of the Amish and Mennonite communities in order to put in the legislation a provision satisfactory to these communities which would allow them to maintain their eligibility for farm assistance programs in keeping with their religious beliefs and convictions.

Mr Klopp: What does that all mean?

The Chair: Thank you for the motion. Mr Offer has indeed moved a motion that is in rather a unique format.

Mr Offer: It's in a manilla envelope.

The Chair: May I suggest a five-minute recess in order for Mr Klopp and his colleagues to have a discussion. Is that agreeable to the committee? Agreed.

The committee recessed from 1113 to 1140.

The Chair: Order. Prior to the recess, Mr Offer had a motion on the floor. I understand, Mr Offer, you're willing to stand that motion down for the time being?

Mr Offer: Agreed.

The Chair: Is there unanimous consent to reopen section 21 of the bill? There is.

Section 21, as amended, is open for debate and section 21, as amended, can be further amended.

Mr Klopp: I move that the amendment to section 21 of the bill be struck out and that section 21, as set out in this bill, be amended by striking out subsections (1), (2), (3) and (6) and substituting the following:

"Religious objection, individual

"(1) If an individual carries on a farming business and objects to making payment to a farm organization or filing a farming business registration form because of his or her religious convictions or belief, that individual may apply to the tribunal for an order that payment or filing be waived.

"Religious objection, corporation

"(2) If a corporation carries on a farming business and an individual who is a shareholder or member of the corporation objects to the corporation making payment to a farm organization or filing a farming business registration form because of his or her religious convictions or belief, the corporation may apply to the tribunal for an order that payment or filing be waived.

"Religious objection, other entity

"(3) If an entity other than a corporation carries on a farming business and an individual who is a member of the entity objects to the entity making payments to a farm organization or filing a farm business registration

form because of his or her religious convictions or belief, the entity may apply to the tribunal for an order that payment or filing be waived.

"Order of tribunal

"(6) If the tribunal is satisfied that an individual referred to in subsection (1), (2) or (3) objects to making payment to a farm organization or filing a farm business registration form because of his or her genuinely held religious convictions or belief, it shall order that payment or filing be waived."

"Non-application of subsection 22(2)

"(7) Subsection 22(2) does not apply to an individual, corporation or entity for which filing is waived by an order under this section."

Ms Stratford: If it's not clear, what that amendment is meant to do is to allow for someone, in addition to applying for an exemption from making payment, to also apply for an exemption from actually registering, and the tribunal will be empowered to make an order granting one or both of those things. If the tribunal does grant an order waiving the requirement for registration, the section provides that subsection 22(2), which says that only a person with a registration number can benefit from ministry programs, will now not apply, the result being that a person with an order from the tribunal would be entitled to benefit from those programs even without having registered.

Mr Offer: Yes, just shortly. On the basis of that amendment, which from my perspective I believe meets the concern of the Mennonite committee as well as the presentation made by Mr John Drudge, then I can support that type of amendment. I believe that keeps the principle as espoused by Bill 42 as well, but most importantly allows individuals on the basis of their religious beliefs not to be disentitled to a farming assistance program to which they are otherwise entitled.

I certainly hope that does meet the concerns of the Mennonite community and the committee. Certainly I would expect there will be some dialogue or discussion with that committee just to make certain that it does in fact meet their concerns, but at this point in time, because I think it does, I'm prepared to vote in favour of that. We will probably be communicating with that committee just to make certain, before final passage of the legislation, that it has in fact met their concerns.

Mr Villeneuve: Simply in addition to what my colleague from Mississauga North has said, I want to thank the parliamentary assistant and the government members here who realize that we were not, in our opinion, meeting the requirements as set out by the Amish bishop when he was here. I think this does it and I think it's most appropriate that we deal with it now in this committee. I thank you all for it.

The Chair: Shall Mr Klopp's amendment carry? All those in favour? Unanimous.

Shall section 21, as amended, carry? Carried.

We'll move to section 29, which was stood down yesterday. On a procedural point, Mr Offer has a motion that he stood down. Do I understand it is withdrawn?

Mr Offer: Yes.

The Chair: We have a Liberal motion. Mr Cleary.

Mr Cleary: I move that section 29 of the bill be struck out and the following substituted:

"Appeal from tribunal

"An appeal lies to the Divisional Court from any decision of the tribunal made after a hearing."

I guess this is what you were talking about, Steve. Am I on the right one there, Mr Chairman?

The Chair: As far as I know. It's your motion.

Mr Cleary: What we had felt at that time when we discussed it with our caucus was that any other organization has a further appeal route and that we were just concerned about this particular tribunal. As all of us around this table know, there are going to be lots of problems there and we were just concerned about another route to go after they made their decision.

Mr Klopp: We can't support his motion. I think we already cover in the previous section, 28, that the tribunal may reconsider an order, can go back and look, although section 29 clearly says the decision of the tribunal is final. But the fact is there is an opportunity in section 28 which allows them to review their decisions and the fact is, they have to follow clearly the lines that are given that they have to follow.

This question was asked by a number of people here over the last week that you've asked, and I think Jack Wilkinson explained it the best to me and to all of us that under the realities out there in the farming community, they felt the decision of the tribunal being final—they understand that someone has to make a decision, and with all the checks and balances that are in place in this in truly the administration form but also, I think Jack would say, in the big political picture out there, that section 29, as is, is fair enough and there's no need for an amendment. Therefore, we will not agree with your amendment.

1150

Mr McLean: In a lot of cases the tribunal may make the decision, but how come there's not a final appeal to the minister?

Mr Klopp: We did try to make this separate from ministers, I believe. It is standard procedure under many things within the farm products marketing issue and the labour.

Ms Burak: I could ask counsel to give us other examples, but again, I can only repeat what Mr Klopp did say, that we felt it would be sufficient, if new or additional information came forward, for the tribunal to reconsider its decision.

Mr McLean: In most cases, there is an appeal. If the decision is not satisfactory to the individuals, there should be a final appeal to the minister and his decision should be final.

Mr Klopp: My understanding is that with the farm products marketing tribunal and also through the minister, there is always that provision. Maybe I'm explaining it wrong. This is technical stuff here; sorry. Let the deputy.

Ms Burak: Mr McLean, there is a provision for the Farm Products Appeal Tribunal, where the minister can—and I don't recall the exact wording, but some reference can be made to the minister. I would just point out that that act was written, I believe, over 20 years ago and if it were being brought into the House today, such a provision—where a tribunal which you're trying to set up to be independent of political influence—we would not today insert a provision like that.

Mr Cleary: I'd like the parliamentary assistant to explain his comments when he was explaining to me. He said "to go back and look." What does that mean?

Mr Klopp: To review their decision. Section 28: "The tribunal may reconsider any orders...made and may affirm or replace the order."

Mr Offer: This is a matter, if memory serves me, that was brought up very early on in the hearings. The tribunal has a great deal of power and it will be making decisions and there is no appeal process from its initial decision. It says under section 28 that the tribunal may reconsider its own order. In other words, the tribunal may change its mind. There is nothing in the legislation as to how you do that, and you have to ask yourself the question: Is it right that a tribunal with this amount of power is in essence its own appeal board? How do people get there? What's required to reconsider its decision? How many times can it be brought before the committee? What if the tribunal makes an error as to whether it should or should not reconsider the matter apart from the matter itself?

If a worker in this province gets injured and there is a decision made as to the amount of compensation that worker should receive and the worker disagrees with that, under the Workers' Compensation Act there is a right of appeal. In employment standards, there are rights of appeal. If a person gets a licence taken away under the Consumer and Commercial Relations legislation, there's a right of appeal.

There is an acknowledgement in a variety of sections that sometimes, just sometimes, the board that initially makes a decision might be wrong; not is wrong, but just might be wrong. Because of that, it gives to those individuals the right to go to another body. We have that for injured workers. We have that for insurance agents, real estate agents, a variety of individuals in this province, but we don't have it, apart from the court

system, for farmers. In fact, I think, earlier on, there is indeed, even within OMAF, a body that sits almost as a tribunal—a review type of body, an appeal body.

I know that in these times we talk about restraint, and I know that we talk about we don't want to create new bureaucracies and we want to save dollars wherever possible, but what we are talking about here is an individual's right to have an initial decision reviewed because that tribunal just might be wrong.

I don't believe it is sufficient or appropriate that the only way in which an individual, a farmer in this province, can have that matter reviewed is to the same body if the body decided that it should review it. I don't believe it's fair that people have to resort to the court system, and I know how they can get there.

I believe it is possible under OMAF that existing bodies be seized with the responsibility of reviewing, if necessary, initial decisions from a tribunal. I think that the bill is quite deficient in this area. If any of us get a parking ticket, if any of us get a speeding ticket, if any of us get any charge, if any of us have a licence taken away and we don't agree with the decision made at first instance, we have the right to go somewhere else, but if you're a farmer you don't, and that's what Bill 42 in this section is about.

Mr Klopp: Maybe I could get legal counsel to expand a little bit on the rationale of why we can't support section 29 as you would like to amend it.

Ms Stratford: The motion that has been proposed is for an appeal to the Divisional Court. The scheme under the bill is to create an expert tribunal, a panel of up to seven individuals who will be chosen on the basis of their experience and knowledge of agriculture. Those people will be making findings on some very important matters, but within, I suggest, some quite narrow confines in terms of issues that they'll be looking at when you consider what they'll be deciding.

They'll be deciding accreditation. How will they be deciding that? They'll be looking at a set of criteria and they will be asking themselves, "Are these criteria met or not?" If the answer is yes, they are told to grant the accreditation. If the answer is no, they are told not to. There is no residual discretion to ask themselves other questions. The issues are narrow.

In the case of special funding for francophone organizations, it's the same type of approach. There are prescribed criteria. The tribunal will test against the criteria, answer yes or no. Religious objectors, there will be a couple of questions the tribunal will be asking itself. We have already discussed here today how those applications will probably be facilitated through information coming from leaders of the religious group and various ways in which the tribunal will be able to arrive at findings of fact.

The motion that's proposed would see those kinds of

questions going to the Divisional Court on an appeal. Consider who would be hearing this appeal. You would have some justices from the courts, probably in Toronto, three of them, thinking about whether the tribunal made a right decision as to whether a particular criterion was met. What kind of position are those justices going to be in? In order to make that kind of finding they will need to look at transcripts. Will the tribunal have transcripts? It's not contemplated that they will. The procedures are meant to be rather informal. If there are to be appeals on facts, then that will have to be looked at. The tribunal will have to ensure that the court will have something to have regard to on an appeal and will have to formalize the procedure. I don't think that's to the benefit of the people who will be appearing before the tribunal.

These days it is extremely rare to give an appeal on facts. It's almost unheard of. Legal writers today suggest that this type of power is most inappropriate for a court to have and the only type of appeal that should be contemplated is one on a question of law, and even then only with leave. As the bill stands now, already there is a remedy that you can go to Divisional Court on judicial review. On a judicial review you can have the court consider, "Did the tribunal make a mistake?" The issues that the court can look at are jurisdictional and errors of law in the face of the record. Again, legal writers have noted, these days the court is able to characterize just about anything as coming within its ambit of power on a judicial review. So I think the safeguards are certainly there. There is a remedy.

1200

The tribunal's ability to reconsider: As you say, there are no rules about how that's exercised. The reason that there are no rules is because the intent is to give the tribunal a full latitude to be able to reconsider in any kind of case. It's not restricted to particular mistakes or grounds. The tribunal has wide-open discretion to go right in there and look again. And because the tribunal has been set up to sit in panels of three, you would have another panel, presumably, that could rehear the matter. That other panel would be a fresh set of people to reconsider the facts, and I think that would be a very effective avenue to pursue. So in terms of the ministry's intent here to have a process that's expert, that's fair, that has an opportunity to correct problems, I think that's been filled by Bill 42 as it stands now.

Mr Villeneuve: This question could be to legal counsel or the parliamentary assistant, whomever. Section 29 says seven words: "A decision of the tribunal is final." Yet I think I heard that there is a recourse that legal counsel has suggested. The farm products marketing board is another avenue. Did I hear that right?

Mr Klopp: No, I was on a different wavelength with the deputy. I apologize. She was just giving an example

of another organization over here. Sorry about that.

Mr Villeneuve: If I were to assume that our amendment to 33 would pass, I would have less problem. However, we're dealing with 29.

The Chair: As you're aware, we're on 29.

Mr Villeneuve: We're on 29, yes; 29 always comes before 33.

With the presentations that were made, we would hope that there would not be a lot of dispute, but inevitably there will be because of what we heard in the last 10 days. I don't think there's any doubt about that. The one farm organization that was initially recognized came through very, very loudly very much against whatever seems to be proposed here.

Would this be a matter that would be in the jurisdiction of the Ombudsman of the province of Ontario? I tell you, I would suggest that as the last recourse because of the time and all the rest of it. Is this an arm of government?

Ms Stratford: Yes, the tribunal's decisions would be reviewable by the Ombudsman.

Mr Villeneuve: Okay. With 29 in there, "A decision of the tribunal is final," that is not the case then.

Ms Stratford: The purpose of 29 is to make clear that there is no appeal and that the tribunal's decision is judicially reviewable because it is a final order.

Mr Villeneuve: Then I have a problem with that stating that bare fact when indeed other avenues are there. I realize you've just explained the legal sense of it. I as a farmer would say, "Gosh, I've come to a solid wall here," when indeed it's not. Is there a need for 29?

Mr Russell Yurkow: What the section means as final is final as to findings of fact. What is reviewable is if there has been a denial, say, of natural justice or an opportunity to appear or to make representation. In that situation, an aggrieved party can go to the court and say, "I'm not questioning the decision, I'm questioning the process; it was not fair," in which case the court, if it agreed, would send it back for a proper hearing.

But counsel was pointing this out: What a court is reluctant to do is to overturn a specialized tribunal on questions of fact, because a court generally doesn't feel it has the expertise to in effect second-guess a tribunal on questions that are within the expertise of the tribunal. A court would look at what it considered to be errors in law or in procedure. I'm not sure if that clarifies your point.

Mr Villeneuve: In legal jargon I understand you, but in layman's terms it looks pretty final. If someone were not to obtain legal counsel or advice from someone who may read Hansard here, which I doubt very few will, they may just turn away and say it's over when indeed it's not, and that's my concern.

Mr Cleary: We thought about this amendment for

some period of time before we finally got it drafted, and I know this tribunal is going to be very busy. I know there are lots of concerns out there and they're going to have lots of challenges.

I stand corrected on this: Legal counsel has said that three members are a tribunal. We have heard here at this committee that sometimes all members would have to be present, the seven of them, and I just want that cleared up.

Ms Stratford: Mr Cleary, I will clarify that for you. You're quite correct. In some instances the tribunal may well choose to sit with all seven members present. I was really alluding to their ability to sit in panels of three, and if that had been the case, then a reconsideration could be by another panel. But you're quite right, if all seven had been at the initial ruling, then yes, you wouldn't be able to have yet another three people reconsider, you would have to call upon the original group again.

Mr McLean: That is just where the confusion is, because there is no appeal then. I was wondering if you agreed with what legal counsel had to say at the front, his statement that he made there a few minutes ago, his interpretation of it in law.

Ms Stratford: Of this provision, the decision is final?

Mr McLean: Yes.

Ms Stratford: Yes, that's the intention of that provision, to make clear that there is no appeal. It doesn't foreclose judicial review. If it were meant to do that, it would have to go on to say, "And cannot be reviewed by any court," and go on at some length to foreclose the court's jurisdiction.

Mr McLean: But shouldn't there be a section in there that would indicate that there is an appeal process then?

Ms Stratford: There is the section which allows the tribunal to reconsider. That's in there.

Mr McLean: It may reconsider, but I can tell you that if a tribunal of three makes a decision, you're not going to see three others from the same board come and overturn that decision. They wouldn't get along very well very long if that was what was happening, would they?

Ms Stratford: That in fact is how all the courts of this land operate. You have colleagues on the same court overturning each other on a regular basis.

Mr McLean: Finally, I just fail to see—there should be a final appeal able to be made to the minister if they're not satisfied.

The Chair: All in favour of Mr Cleary's motion? All those opposed? The motion is defeated.

Shall section 29 of the bill carry?

Mrs Fawcett: Wait a minute, wasn't it five to five?

Interjection: Have a recorded vote.

The Chair: Before there's a major confab, shall section 29 carry? On a recorded vote, all in favour?

Mrs Fawcett: Just a moment.

Mr Offer: The vote was already called, the number was taken, and now, as a tie, it's up to the Chair to cast. We already took the vote.

Mr McLean: Mr Chair, on a point of order: I think it's fairly simple. All you have to do is make a decision on which way you're going to vote.

The Chair: We have a tie vote on section 29. The Chairman casts his vote with the government.

Mr Gary Wilson (Kingston and The Islands): Nice try, guys.

The Chair: Section 29 of the bill carries.

It is 1210. We will recess until 2 pm.

The committee recessed from 1211 to 1405.

The Chair: We will now deal with section 33 of the bill. Mr Cleary, I believe you have a motion.

Mr Cleary: I move that section 33 of the bill be struck out and the following substituted:

"The standing committee on the Legislative Assembly shall, not later than three years after this act comes into force, undertake a comprehensive review of the program and shall, within one year after beginning that review, make recommendations to the Legislative Assembly regarding the appeal of, or amendments to, this act."

The Chair: Do you wish to speak to your motion?

Mr Cleary: Yes. Since we've heard from both sides of the agricultural community on this issue, we feel very strongly that this amendment would probably help unite the agriculture community after these hearings.

Mr Klopp: Thank you, Mr Cleary, for your motion. Unfortunately, we feel that the way the section now stands, that the minister may review this act three years after it comes into effect, satisfies a lot of the issues out there. I've heard too from both sides and I think a lot of people have said they are opposed to the bill or opposed to any amendments short of scrapping the bill, which is fine. Other people who are for the bill agree that "may review" is a good alternative and in fact I think Dona Stewardson said one day, "If it's not broke, why do you want to fix it?"

Your motion makes a review have to happen, and that's an expense, but clearly also our section 33 gives clear intent to any farm organization out there that the minister or the government isn't just going to leave this carte blanche; it does give notice that you have to work and make this thing as smooth as possible. Because your motion clearly states it has to happen, I don't feel that is necessary and I can't support your motion.

Mr Cleary: I totally disagree with your comments. I know that if these hearings hadn't taken place, a lot of

things in this bill would have been missed. I'm sure it was an educational process for each of us, not only the opposition, but the government as well, because I'm sure it didn't know what was in this bill either and the feeling of the community out there. I only feel that if this review was to take place after three years, it would be another educational process and we'd learn a lot.

Mr Villeneuve: To Mr Cleary: Recommendations from a committee to the Legislative Assembly may or may not be acted upon and I have some doubts about it. We've had many reports from committees that have been shelved. We also have an amendment which would report directly to the minister. We will have a little problem supporting this, because I believe coming back to the Legislative Assembly would mean that House leaders would have it in their prerogative to consider it or to ignore it. I have a problem with that.

Mr McLean: Looking at this amendment, I know where the member is coming from and I know what his thoughts are with regard to a review. I'm not so sure it's all bad, because maybe there should be a review a year from now, after this tribunal has been in place for a while, and find out that it's not all that easy. So while his amendment is not being accepted by the government, I think it was worth the discussion it has had.

Mrs Fawcett: I'm in total agreement with this motion.

The Chair: All in favour of Mr Cleary's motion, please indicate. All opposed? The motion is defeated.

Mr Villeneuve: I move that section 33 of the bill be struck out and the following substituted therefor:

"Review of the act

"33. After three years have elapsed since the coming into force of this act, a select or standing committee of the Legislature shall conduct a review of the act to recommend to the minister whether it is advisable that the act continue in force."

Again, as my colleague from Simcoe East has suggested, I know where my colleague from Cornwall is coming from, but I've seen too many recommendations from committees go unheeded or not listened to. This would mandate a select or standing committee of this Legislature, all parties, to conduct a review of the act and recommend to the minister who is responsible for this act whether it's advisable to continue or to whatever. The recommendations would come from a committee to the minister responsible. I think that has considerably more weight in that it is coming to give some guidance to the minister who is responsible.

I would strongly urge my colleagues to look at this in a positive light, as we looked at previous amendments which, in most instances, were defeated by the government, particularly on item 29, where it gives somewhat of a false impression that the decision of a tribunal is final. We would now have the opportunity to come to

a committee, such as we are here this afternoon, an all-party committee, explain our frustrations if indeed they are, or explain why the GFOs should remain, or explain why some changes should occur, and it would be going to the minister.

Mr Klopp: As always, you've put a lot of thought behind your motion, but I'm afraid we will be voting against your motion basically for the reasons already mentioned earlier. Section 33 does give direction clearly that the minister, the government of the time, may look at this particular bill and indeed, though it doesn't say, review the—it says review the act, but that leaves the door open for the minister of the time to look at standing committees and to do lots of options. Maybe he'd want to—I don't know—make all kinds of wide consultation.

The fact remains, though, that the system may be working well. Let's look at it in a positive light. I think you've made comments that you'd like to see this thing work, farmers work together. The fact that the program's refundable now, I think to say the minister "shall" again forces an issue, an expense, that may not need to happen. Therefore, though I understand where the member is coming from, I do feel that section 33, how it is written, does allow all those flexibilities that are there and that you've talked about.

Mr Villeneuve: The parliamentary assistant, the member for Huron, I think has to realize that this is "shall" to a committee which will report; it's not "shall" to the minister, it's "shall" to a committee. If no one registers a requirement to present to the committee, then quite obviously there is no problem. If indeed we have a week of hearings that express concerns and may well also express positives, then the minister has some food for thought to decide. It's in the minister's hands and no one but the minister's hands. Therein is the slight difference, or the major difference, if you will, from my colleagues in the Liberal party who want a report to the Legislature. As you well know, reports to the Legislature tend to get lost between the committee room and the Legislature. This would be to the minister with some guidance. I think that's important.

If, after advertising that there will be hearings, there is no reaction, there is no one who wants to speak to the standing committee, pro or con, we have a vehicle that's working well. The minister then can very easily say, "We proceed or we amend."

I respectfully request your consideration on this.

Mr Cleary: I guess we will probably support this amendment. I would've like to have seen it a little bit different but that's what we're talking about now. For the parliamentary assistant to say about the expense of having these hearings ahead of an all-party committee, I find that hard to accept because after I know what's going to happen with this tribunal, seven members plus staff, and I hear about travelling the province, I think

these hearings would only be peanuts to what that committee is going to cost.

Mrs Fawcett: Yes, I can see where we can support this since our own amendment has been lost. But I would also maybe remind the member that reports to ministers have been known to get lost or get shelved as well. However, I think what I have a problem with is the giant leap of faith that we will have to take here, that if there is in fact something wrong and if farmers do find that this is not working, the minister then may decide to look at things.

I guess that's what really—I mean, sure, if everything is working fine, then that will be wonderful. If all farmers are happy with it, well, we'll all be very happy. But it's just this "may" that—if something is wrong, will the minister take a look at it, I guess is what we really have a problem with. This section 33 that is being presented by the PCs—and in fact it was put by us—would ensure that it definitely is looked at.

Mr Klopp: I think the fact that the minister of the day, our parliamentary procedure, the public pressures that come out and the day-to-day operations, the minister, no matter who it is—and the government—will very clearly know if things aren't working or are working with our section 33 as printed. I think in the real world out there—

Mrs Fawcett: But they may or may not react.

Mr Klopp: Well, I think in the real world we've seen political pressure. If things are working that bad and it clearly states that the minister may act, I'm sure the minister of the day, especially if it's anyone I know, will definitely act. In fact, section 33 does give the power to act.

It also sets clearly that he or she will not just let this thing go on its merry way and allow the negative things that might happen in the system as it works its way through the next three years.

I hear your comments, I understand where you're coming from, but I do believe, from what I've heard from the general comments out in the farm community, that section 33 is the best of all worlds. It clearly states that, I think. We've talked about it. Therefore, I can't accept your amendment, sir.

Mr Villeneuve: I thought sure I had the parliamentary assistant almost convinced. But let's look and remember the people who made presentations here. Let's remember, those people who were against this bill did not want any amendments, they just didn't want the bill, period.

Those people who were in favour, and I speak of Mr Sullivan, Mr George and a number of people from the federation of agriculture and I believe the Christian Farmers Federation of Ontario as well, had no problem with a review. We don't know what the next minister will look like, and it may well be the present minister,

three years hence.

1420

However, if you were minister, Mr Parliamentary Assistant, would you not like some guidance from a committee, with some input as we've had here for the last almost two weeks of grass roots? We have a different animal roving the rural routes of Ontario, an animal that answers to seven people known as a tribunal.

We have in this legislation item 29, which says there's no recourse; the tribunal's decision is final. Would it not be kind of comfortable for farmers, if for no one else, to know that three years down the road there will be a chance to express some opinion—good, bad or indifferent? That's all we're looking for.

Mr Klopp: A couple of comments. I understand the OFA position has been that they're happy with the discretionary section 33, the way it is written. There has been a number of farmers—I know you asked a lot, and I think you've got it about right with the ones who are against the bill: nothing at all. But also there were those who felt the bill was fine. Dona Stewardson is one that comes to mind, and I think Fred—I forgot his last name.

Mr Villeneuve: Max Sabey, in my riding.

Mr Klopp: They said they felt that "may" was the proper way. It clearly states that no one's off the hook. The government of the day can't say, "Well, we had an act that says we couldn't review it." It also doesn't force a minister and a government to have to make all the farmers come together again and talk about this issue, and I say that in a nice way.

Therefore, I hear your points, but from my sense of what we've done in the last two and a half years of working on this bill, the way we've written up section 33 does give everybody the ability to pressure government to open up this act and to review it. Also, if the public pressure isn't there, as Dona Stewardson said, "If it isn't broke, don't fix it." It allows the government of the day to make a well-managed decision that they are paid to do.

Mr Cleary: There's one thing we must remember here. The parliamentary assistant keeps referring to organizations. We have a whole new bunch of players here. We have 60,000-plus farmers who all should have a say in this, and when we are not democratic enough to listen to these people and give them an opportunity, if we're not going to do it now, at a later date there's going to be something drastically wrong with the system.

Mrs Fawcett: Just very briefly, I want to remind the parliamentary assistant that in the original Bill 105, this was significantly different. It was "shall review" and even "consider a vote at that time." So you haven't been on the same wave length for the full two-plus years that

you have been putting this bill together. It's only this Bill 42 that is a little bit different. You changed your mind and decided that it only needed to be "may," which I don't believe. I believe it should be "shall."

Mr Klopp: On that point, Bill 105 also was quite a different animal compared to this.

Mrs Fawcett: Oh yes, it wasn't stable funding then. Come on.

Mr Klopp: No, but it was mandatory, non-refundable. Therefore it was felt that if it was going to be mandatory, then at some point, as people said when we were in the hearings and in talking out there in the public, maybe there should be a section where we make a review possible.

When we changed the bill that became now Bill 42, it was mandatory refundable and many farmers out there—not all of them, but many—then realized too, "You're allowing me to have a vote with my chequebook." Therefore we didn't have to have, we felt, such strong language.

I will stand by my comment that with many of the public out there who actually didn't have a position one way or the other, for or against, after they reviewed the bill and made comments—and probably will support this down the road—said that section 33, where the minister sets out clearly that he may review to keep everyone on their toes, is the best opportunity now. That's why we did make this change.

Mrs Fawcett: That may be so, but we must also remember that the bill contains many sections and not just the one refundable part. We would think that the whole bill should be reviewed in three years.

Mr McLean: Bill 105 had "shall" in it. Could I ask the deputy minister why it was changed to "may"?

Ms Burak: I would only repeat what Mr Klopp said: The first bill was mandatory registration, mandatory payment of fee. This is significantly different in that the fee is refundable. As Mr Klopp said, many in the farm community felt, and the ministry feels, that with that very significant change, this is an appropriate review clause.

Mr McLean: But we were talking about a review of that bill; we're talking about a review of this bill. So what is the major difference? I don't see any major difference. The question bears repeating: Why was it changed?

Ms Burak: I was trying to explain that the original bill was significantly different by virtue of the fact that the funding component of it was mandatory, non-refundable. This bill is a refundable scheme, a much less onerous scheme, and therefore "may" rather than "shall" on the review.

Mr McLean: I understand that very clearly, but I must say that there are clauses in this bill that are no more clear than the clauses that were in the other bill,

and therefore there should not have been any difference whether this one should have been reviewed or the previous one reviewed. So I support the amendment that "shall" shall be there.

The Chair: All in favour of the motion, please indicate. Those opposed? The motion is defeated.

Shall section 33 of the bill carry? Carried.

Mr Klopp: I move that section 34 of the bill be struck out and the following substituted:

"Commencement

"34. This act comes into force on the day it receives royal assent."

The Chair: Do you wish to provide rationale for the motion?

Mr Klopp: It's proposed that this section be amended to bring the act into force on royal assent. We feel there is really no need to delay the coming into force of this act, so the extra step that is needed in proclaiming an act is not warranted here. That's basically the straight goods for that.

The Chair: All in favour of Mr Klopp's motion, please indicate. Those opposed? The motion is carried.

Shall section 34, as amended, carry? Carried.

Shall section 35 of the bill carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Carried.

Shall I report the bill to the House? Agreed.

That concludes the clause-by-clause analysis of Bill 42. I would like to take the opportunity to thank the staff that's been assigned to this committee: Tannis Manikel, the clerk of the committee; Jerry Richmond, the legislative researcher; Mr Yurkow, legislative counsel; the staff from Hansard and broadcast and recording service, who as usual have done an excellent job in making sure that everything we've said and done has been recorded accurately.

I'd also like to thank Rolly Stroeter, Louise Stratford

and Rita Burak, the deputy minister, for being here throughout the committee hearings and providing excellent pieces of clarification when requested and sometimes going over and above the call of duty in trying to make sure we have the information we need.

I'd also like to sincerely thank each and every member of the committee for the cooperative spirit that has been demonstrated throughout these hearings. It was clear to me from the outset that every member of this committee was truly interested in this bill, truly interested in its impact on agriculture. I hope that through this bill the agricultural community is well served.

Mr McLean: Mr Chairman, yesterday I requested some information and I believe Mr Stroeter has that information today.

Mr Stroeter: Mr McLean, you inquired about the case where a land owner rented some part of his farm land to another farming operation. Would the land owner who is not a farm business have to register under Bill 42? The answer is no, they would not have to register under Bill 42, and yes, they would be entitled to the farm tax rebate.

Mr McLean: Would that farm tax rebate be on the land only, exempting a residence and one acre or two residences and two acres?

Mr Stroeter: Yes. As a matter of principle, we only rebate on farm land, not residential buildings.

Mr McLean: So the owner of that farm land would be able to apply for a farm tax rebate due to the fact that he had rented his property to another individual who was within the qualifications, and he would therefore get 75% or whatever the percentage of his land tax returned.

Mr Stroeter: That is correct, sir.

The Chair: The committee will adjourn shortly. I'll remind members that there will be a brief subcommittee meeting to deal with the graduated licences issue, which is next before this committee in the coming week.

The committee adjourned at 1432.

CONTENTS

Thursday 2 September 1993

Farm Registration and Farm Organizations Funding Act, 1993, Bill 42 R-235

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- ***Chair / Président:** Huget, Bob (Sarnia ND)
- ***Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)
Conway, Sean G. (Renfrew North/-Nord L)
- *Fawcett, Joan M. (Northumberland L)
Jordan, Leo (Lanark-Renfrew PC)
- *Klopp, Paul (Huron ND)
Murdock, Sharon (Sudbury ND)
- *Offer, Steven (Mississauga North/-Nord L)
Turnbull, David (York Mills PC)
- *Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Cleary, John C. (Cornwall L) for Mr Conway
Hansen, Ron (Lincoln ND) for Ms Murdock
McLean, Allan K. (Simcoe East/-Est PC) for Mr Jordan
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr Turnbull

Also taking part / Autres participants et participantes:

Ministry of Agriculture and Food:
Burak, Rita, deputy minister
Stratford, Louise, director, legal services
Stroeter, Rolly, director, farm assistance programs branch

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Yurkow, Russell, legislative counsel

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R-13

R-13

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Tuesday 7 September 1993

Journal des débats (Hansard)

Mardi 7 septembre 1993

Standing committee on resources development

Comité permanent du développement des ressources

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday 7 September 1993

The committee met at 1408 in the St Clair Room, Macdonald Block, Toronto.

GRADUATED LICENSING

The Chair (Mr Bob Huget): I'd like to welcome members back to the standing committee on resources development and welcome all those who have come out this afternoon to participate in and listen to the hearings. As members know, we are charged with dealing with draft legislation on graduated licensing.

Before we move into that, I would like to introduce people who are sitting here at the front with me. To my immediate right is Tannis Manikel, the clerk of the committee. To her right is Andrew McNaught, the research officer assigned to the committee. To his right is Beth Grahame from Hansard, and in the far corner is Tony Abbatangelo, who also is assigned to the committee. We have a very capable and hardworking staff assigned to this committee, and I'm sure they'll be performing to their optimum again as we consider this very important issue.

The first order of business this afternoon is a witness by the name of Gary Barlow. He is currently not here so we will move to the second witness and have Mr Barlow's presentation when he arrives.

YOUNG DRIVERS OF CANADA

The Chair: The second witness is the Young Drivers of Canada, if it is present. If you could identify yourself for the purposes of Hansard and then proceed with your presentation, you've been allocated one half-hour, and the committee would like at least half of that, if possible, for questions and answers.

Mr Peter Christianson: Mr Chairman, honourable members of the House, ladies and gentlemen, my name is Peter Christianson, president of Young Drivers of Canada.

We have 80 classrooms in this province. We train 25,000 new drivers a year of all ages. We have 50 additional classrooms across the rest of the country, 20 in the United States and 13 in Finland.

While some of the proposals I may make may appear to be in self-interest, I would like to make it clear that my interest in this subject goes back a very long way. I was three years of age when our family car slammed into an oncoming army bus in 1946. My father was a surgeon. He was killed instantly. Just before the crash, he reached over and pushed me down out of the back seat on to the floor. Seatbelts were not available in those days. It changed the way I looked at driving.

When I was 16, I was truly afraid of learning to drive. I spent a year developing my skills so that when

I went for my road test, I was virtually perfect. I became so skilful that I entered rallies, driving skill tests and became a race driver. While I was apparently risking my life on the racetrack, five of my friends were killed on the road: head-on collisions, left turns at intersections, gravel shoulder dropoff. So my interest goes back a long, long way.

The problems we have in Canada, and specifically in Ontario, have been noted for many years, and this committee is addressing the problems in a dramatic fashion. I would like to open with a couple of overheads to point out the problems, as we see them, and note that graduated licensing will address these problems significantly if you see fit.

It has been stated that Canadians can't drive safely because the provincial drivers' test did not demand any real driving skill or knowledge when they were first licensed. It takes almost 10 years of experience before they get it right. That is borne out by the statistics across this country. We know that teenagers make up 5.3% of the driving population, but they're involved in 14% of the fatal collisions. We would expect that. A big part of graduated licensing is to address that problem. But even the 20- to 24-year-olds who make up 9.7% have 18% of the crashes. It takes about 10 years before we get it right and start to crash statistically equal to the size of our age group.

The problem with that drivers' test is that ineffective driving schools and high school driver education teach to the level of the drivers' test. However, their students took so-called professional driver training and believe they're prepared to drive safely, but they have false confidence. The parents believed the high schools would provide high-quality training, but they hired the lowest bidder for in-car training in most cases.

This is from the Kenzie study commissioned by the Ministry of Transportation, done by the Traffic Injury Research Foundation of Canada. I will acknowledge that this government has just withdrawn funding for high school driver education, and it's a step in the right direction. Even though it doesn't appear to be so, it is.

Two statements from the study:

"A considerable number of classroom teachers have no officially approved training in either classroom or in-car instruction."

"For a commercial driving school to win the in-car tender, there is pressure to bid low and provide cut-rate instruction by hiring instructors at low pay. Among these low-paid instructors are individuals who know little about teaching and who communicate poorly or cut

corners on instructional time given to students."

That study still reflects the problems today in high school driver education. Going to the United States, the Yale study in Connecticut showed that when funding for high school driver ed was eliminated in 1976, and nine school districts dropped driver ed, there was a 63% reduction in accidents. So it worked and what the Ontario government has done will also work.

The author stated, "What moral or political philosophy can possibly justify the state taking a person's taxes to finance a program which increases the taxpayer's risk of being killed or injured by a teenage driver."

The problems go one more step. In looking at driver improvement programs, it appears they've been designed like bandages instead of cures. Classroom-only courses do not change driving habits, they only change knowledge. They do not reduce accidents. Again, this is from a Ministry of Transportation study.

We know that any program to be effective must have a practical module. The experts tell us we can remember 10% of what we hear, up to 20% of what we hear and see and up to 80% of what we hear, see and do. So whenever we look at a driver improvement program, we ask you to consider a practical module to make it effective.

In dealing specifically with the graduated licensing proposal that will address these problems, the Ontario government is to be congratulated for the design of the Ontario model of graduated licensing. It involves innovative solutions to problems and demands much higher driving skill from new drivers.

The proposed model will reduce collisions and deaths in Ontario and through this consultative process will probably become even more effective. Young Drivers of Canada fully supports the Ministry of Transportation and the government of Ontario in this sensible approach to licensing new drivers. In a recent national telepoll concerning graduated licensing, 92% of the 38,179 callers were in favour of graduated licensing, a strong endorsement.

The following recommendations are based on 25 years of driver training experience and observation of driver licensing systems around the world.

We believe, in level 1, that the present driver's test is not an effective filter to screen out drivers likely to crash. We strongly recommend that the current test be improved to incorporate some if not all elements of the proposed second test. Applicants attending the test should be restricted to automatic transmission when they pass in that type of vehicle. Those passing in a standard shift would not be restricted. There is a significant risk of crash for those new drivers who learn on an automatic and then drive a standard shift without training or practice.

Responsible driver training courses have been teaching freeway driving skills for over 30 years. However, the existing level 1 restrictions do not allow such training. This would mean that over 100,000 new drivers, who would otherwise have received freeway training, will receive a licence for level 2 without ever having been on a high-speed freeway. According to the proposed model, they may drive on a freeway alone or with the car full of teenaged friends the day they receive their level 2 status, and this would obviously be a mistake. We request an exemption from the freeway restriction during in-car training on an approved course in level 1 so that we can continue to train people properly in freeway driving.

The intent of level 1 being eight or 12 months in length is to allow the new driver time to gain experience. However, there is no guideline as to how much experience. Most new drivers will probably get their learner's permit and wait until close to the eight-month stage to take an approved course and try their first test.

The recommendation is that 2,000 kilometres of driving experience be required to qualify for the first test. While an average distance driven on an approved course would be 375 kilometres, the remaining kilometres would probably take at least six months to acquire. This would encourage new drivers to take training early rather than delay it, and provide parents with more confidence while acting as co-drivers. In France, young drivers are required to gain 3,000 kilometres of experience before attempting a road test. The results showed an 80% reduction in collisions among those participating in this new program. I have added a couple of pages at the end of the papers to document that.

The proposed model appears to be very forgiving of violations and collisions, which means there is insufficient deterrent for the aggressive driving that often leads to collisions. We acknowledge the 30-day suspension for violations of the graduated system, but do not believe that this is enough. We would recommend a 90-day extension to the length of level 1 in the event of any pointable violation or collision, so the Highway Traffic Act as opposed to just violations of graduated.

1420

We acknowledge the proposal that a new driver involved in a collision take a driver improvement program, but are concerned about the standards for such a program. The course should have both a classroom module to gain knowledge and an in-car module to gain or change driving habits. Violators could be given a choice between a driver improvement program or a 90-day extension. When German researchers studied a similar driver improvement program for new drivers who violated or crashed, they found that graduates had a 33% reduction in collisions among those with a previous violation and 17% reduction for those who had

crashed previously.

The Driving School Association of Ontario recommends that a driver improvement program consist of eight hours of classroom and four and a half hours of private in-car training. These programs would be taught by approved driving schools and should be required for those involved in collisions or violations. Since co-drivers will be counted on to provide advice for up to 12 months in the graduated system, it will be beneficial to guarantee at least a minimum level of proper advice. Driver improvement courses have already been recommended by the Ministry of Transportation for new drivers who crash.

Our recommendation would be to require co-drivers to be graduates of a driver evaluation course of two and a half hours classroom and 90 minutes in-car to assure a minimum level of competence in assisting new drivers. That is a minimum level of training, but isn't it absurd that someone who's been driving wrong for 30 years is going to pass on those bad habits or counteract what we're going to try and teach a new driver? Many of you have been through it, I can tell.

Times change, really. What is being taught today is quite different from what we learned 20 or 30 years ago. There are ways you can stay out of collisions that are innovative and new, and we all need to look at them.

The learner stage of the Ontario model will provide experience on low-speed roads with limited supervision for eight or 12 months. This first stage is well-designed. However, we strongly recommend that only one passenger be allowed in the front seat, to minimize distractions. In an emergency swerve, the upper body of the passenger in the middle of the front seat could be thrown into the driver, causing total loss of control. It's a small point, but I think it's an important point.

We praise the government for virtually all of its proposed level 1 elements, but suggest that the marking of vehicles driven by learners is a mistake. Instructors who teach every day in marked vehicles must contend with drivers who will do anything to get ahead of a training vehicle that they assume is being driven by an incompetent. Marking family vehicles will lead to conflict with impatient drivers, just as it has in England. It makes sense on the surface, but out there in the real world, I think it's going to hurt.

Moving to level 2: The second level has virtually no restrictions, and because the first test does not demand defensive driving or freeway skills, there will be many wasted lives. In order to reduce multiple-fatality collisions in level 2, drivers carrying passengers should be required to have a four-year licensed accompanying driver in the front seat, but with employment exemptions allowed.

Drivers in level 2 should be restricted from selected

freeways unless they graduated from an approved driver training course in level 1, including freeway training, if you so decide, or from a driver improvement course, eight hours class, four and a half in-car, which would include high-speed highway or freeway training.

The second level has an excellent qualifier in the advanced road test at the end of its 12 months. The advanced test is described as "focuses on their ability to recognize and take appropriate actions...with hazardous situations." This indicates a very effective road test that will demand improved driving skills and result in fewer crashes in the future. This new test will create the need for advanced training involving defensive driving, emergency braking and freeway driving. In order to encourage new drivers to take appropriate training, a four-month credit could be allowed for successful graduates of a full driver improvement program, just as you have in level 1.

In order to reduce the driver examination backlog, the graduates of these approved courses could take the advanced test as part of the course. I strongly encourage you to look at that as an incentive in level 2 that is not there presently. In order to make level 2 more effective, we recommend that any level 2 driver involved in a collision or committing two moving violations be given a choice between a driver improvement program and a 90-day extension.

The Ontario graduated licensing model could be an example for the world to follow. You will hear many experts support and suggest ways to improve the proposed model. With over 90% in favour of graduated licensing, you will probably hear very few objections. Those who do object will not understand that the consequences of accepting many of their proposals will be more injuries and more deaths.

Peer pressure, risk-taking and incompetence are the factors that graduated licensing must counter. A properly designed system allowing employment exemptions will provide a new driver with the experience and skills required to survive. The citizens of Ontario, especially the parents, desperately need this committee to succeed. I wish you both the wisdom and the political strength required to do so. Thank you for this opportunity.

I have two summary pages at the end that may help you, because I've covered a lot of points; that's a fast track as well as two pages on the French experience. I have left several papers with Tannis Manikel on the different reports that I have quoted throughout the paper. If you need those, they're available.

The Chair: Thank you very much. Questions?

Mr Hans Daigeler (Nepean): First of all, I would like to say that I'm very pleased to be able to participate in these hearings because I think this is an issue that is of great importance, and really, for all of us as politicians, I think at least this is something quite

meaningful because we're talking about saving lives and preventing people from injuries. So I think it's a very important matter that we're looking at and I'm pleased that the government has taken the initiative, first of all, to bring this forward, and secondly, to hold public hearings on this matter.

I am also pleased to finally see this come forward because I remember in November 1989 I asked our then Minister of Transportation about this matter and he indicated to me in the House that he was preparing this type of an initiative. Were it not for an election, I presume we would have moved forward with this initiative rather quickly.

So I do want to say that we on this side are supportive of this initiative and we congratulate you for your efforts on behalf of this initiative and for your excellent presentation. I just have a couple of questions to make me understand better your presentation.

First of all, the statistics that you were referring to, showing us on the overhead, are these statistics similar in other countries as well; and also, the driver training in other countries, where they have restrictions, does it show that the accident rates are going down with either age or improved driver training, as far as you know?

Mr Christianson: Yes, the statistics are similar in other countries. Young people taking risks is a common thing. New drivers lacking experience, lacking skill, is common. It requires proper training and it requires government leadership to create change. There have been several examples around the world where they have created positive changes.

1430

In Japan, between 1970 and 1979, they cut the death rate from 18,000 to 9,000. Part of the program was improved testing and training of drivers, and they improved cars and barriers and lighting and everything. So there's no question that if you do want to create change, you can. In Japan they rested on their laurels, though, and didn't create any changes in the driver training portion and the death rate went up to 12,000, because they thought they had it made. They thought they had a perfect system, and you never have a perfect system. You have to keep changing and innovating and improving.

The results from Germany that I quoted significantly showed that a driver improvement program will work. It was a controlled study; it was not one that rolled out to the entire nation. There are always problems with anything that's brought in, but it did show a program that had merit.

Mr Daigeler: How much time do we have?

The Chair: Very quickly. You have about a minute and a half, two minutes.

Mr Daigeler: Okay, one important question. You're referring to that proposed second test and you seem to

say that's a great idea, but frankly I have not seen anything that's been presented to me by the government that describes what this test will be. I agree with you; there's a very short reference in the public announcement to say—and I think you're quoting this here—"focuses on their ability to recognize and take appropriate actions...with hazardous situations." Well, one could conclude from that that possibly the tests would be quite elaborate, but I have not seen anything. Have you seen anything more? Have you been given any kind of indication of what the second test would be?

Mr Christianson: Yes, there are several of us within the industry who have been called upon to join in the committee to design that second test. It is too early to be clear on what will be there, but as I have stated, it will be a very strong test, with defensive driving. The intention is to look at freeway driving, and I believe that we will see emergency braking as part of it; the things that will help new drivers avoid collisions. And the intentions are 100% correct in where they're heading. I ask you to support them in what they're trying to do.

Mr Robert W. Runciman (Leeds-Grenville): I'm just curious, Mr Christianson: Were you involved with the development of this legislation? Were you consulted? Was your organization consulted in any way, shape or form?

Mr Christianson: Yes, we were asked for input.

Mr Runciman: Obviously, it wasn't followed to the degree you'd wished to have seen it followed, based on your recommendations and what you see as the weaknesses in the legislation.

I'm curious when you talk about a variety of experiences, the German experience, the experience in Great Britain. What's the experience in terms of enforcement of this kind of legislation? Does it fall upon the parents of young drivers to ensure that they're not breaking the law? We know our police forces are already overburdened in terms of their responsibilities. There's no additional funding forthcoming for this or other responsibilities being placed upon them. I'm just wondering what you've noted in terms of other jurisdictions.

Mr Christianson: Canadians are wonderful when it comes to compliance with laws, despite the fact that they drive too fast. If you look at how they wear seatbelts across this country—as soon as you create a law that says they must put their seatbelts on, somewhere around 80% immediately do so. I mean, that's unheard of. No one feels anyone can tell what they're doing in their car and yet we significantly do comply. I don't think there's any question that compliance is part of our nature. We even line up at bus stops. I mean, it's wonderful.

I don't think that's an issue and I don't think the police have any problem with their normal, routine

stops. If someone's speeding, if someone violates, they pick them up. They talk to them and find out that they're in violation of graduated. They're not going to do a net and screen out everybody to check for this. It just will be part of their day-to-day operations. So I don't think that they have any problem with keeping this law in place.

Mr Runciman: So it's essentially self-regulated—

Mr Christianson: It's a natural thing.

Mr Runciman: —through the parents.

Mr Christianson: If I can make a point there, that you have brought up, strongly, the parents desperately need this kind of law so that they're not the bad guy.

Mr Runciman: I've heard that argument.

Mr Christianson: So that they can say: "Look, son, it's the law. You have to be home at this time. You can't have your friends," whatever. They need this support. I could quote—

Mr Runciman: I have to encourage brief responses because we have limited time and Mr Villeneuve has a question.

You mention about co-drivers and requiring a two-and-a-half-hour evaluation or course. I think that's an element that could run into some resistance. It seems to be a bit of a contradiction and since maybe I misunderstood you—you were talking about high school programs not being worth their salt, in essence. I know in my own riding, for example, the board of education contracts out with driving schools to provide driver education, but you're indicating that the quality of education that they receive through the high schools perhaps wasn't all that great.

I guess I'm just curious. What you're doing is, in some respects, denigrating some of your colleagues in the business, but on the other side of the coin, you're saying, "We still want to require experienced drivers to take this two-and-a-half-hour course before they qualify as co-drivers." I'm just wondering about that. I'm not familiar with the regulatory atmosphere that you folks have to go through or if indeed there is one. Maybe you could comment on that.

Mr Christianson: There is a great change happening this year. The Driving School Association of Ontario has taken over the approved school system in this province after years of what we could consider were not satisfactory controls. We have too many schools that are incompetent, and they will be put through a filter where all instructors will be retrained in the next two years so that there will not be this problem of incompetence. So we're heading in the right direction, but legislation could assist that.

The Chair: Mr Villeneuve, very quickly.

Mr Noble Villeneuve (S-D-G & East Grenville): Thank you very much, Mr Christianson, for your

presentation. In Level 2 here you specify, "Drivers carrying passengers should be required to have a four-year licensed accompanying driver in the front seat with employment exemptions allowed." Could you expand on that?

I represent a very large rural riding and I've had a number of farm people being very, very concerned about the four-year licensed driver accompanying. In these vast areas of rural Ontario, there's got to be something in there. Our rural people are as good drivers as anyone else, and probably those who were born and raised on a farm may be better drivers, but they also get killed because there are situations that occur not because they're not good drivers, they were careless, they were too aggressive or other things were involved. I would like your comments on that as to the exemptions.

Mr Christianson: I think the government is to be congratulated on finding that solution of the four years' experience. It is a way in which you can have passengers. Without that, it's no passengers. I think that's a very innovative solution.

I recognize the problem of the rural community. I recognize that some of the times they want to drive would be employment. If they're farming, that's employment. I think the exemptions must be looked at as a solution to the objections that will come, as your constituents have expressed. It is the right thing to do despite the fact that it could take them eight months to get through the first phase. That's not a long time to develop the skills necessary to drive properly, and right now in Ontario you have to wait eight months for a road test anyway.

Mr Mike Cooper (Kitchener-Wilmot): First off, let me congratulate you. My son just graduated from your course over the March break and he's doing quite well. That's why one of the things I agree with is getting rid of the high school training. He now drives on expressways and high-speed highways, which I think is a better way of travelling than going on the back roads and some of the back streets. I think you find more accidents in those areas because there's more on and off traffic.

A couple of things that I really agree with are the unmarked cars—I know with him when he was taking his courses, as soon as he got out on the road, people wanted to get past him—and the testing in the course. I took the motorcycle safety course at Conestoga College where I received my licence through that course rather than having to go down and testing. That will help with the backlog.

One of my big concerns is the cost. I know why a number of my son's friends didn't take the course through Young Drivers was because of prohibitive costs. What solution could there be to that? I know the advantage from taking the course is because you can get reduced graduated licensing, length of time and lower

insurance, but what can you do about that?

Mr Christianson: It's an incredible myth that the cost of a Young Drivers course is too much money. The only reason is that the government has subsidized high school driver education for years so that we all expect it to be \$250. You add on the rest of the cost—of an office, a full-time employee answering your phones—and you're easily at \$500. Our course is extremely inexpensive. But it's the perception, based on subsidized driver education, that it's expensive, and it's unfair. It isn't. It's cheap. Look at insurance for one year, compare it to that, and they do that every single year. Look at the cost of a vehicle. So \$500 is absurd.

Mr Ron Hansen (Lincoln): The co-driver is requiring 2.5 hours in the classroom and 90 minutes in a private car. So if I'm a dad of a son who's coming along, before I can even ride with my son, he would require this. What do you think about drivers who are out there without a new driver beside them who are driving? Do you feel that some of these people should be retested? I know it's a little bit off this graduated licensing, but it's not just these young drivers who we're taking a look at who are having accidents.

Mr Christianson: The reality is that the problems I showed at the beginning have created incompetency on our roads. We all need to go through a retesting process or a retraining process, as they did in Japan. Anyone who got a violation had to go back and get retested. You got a licence every four years and they just kept cycling people through until they all understood what everyone should: how to avoid collisions.

Yes, the problem is everywhere, but we're getting there.

1440

Mr Hansen: I know. I have my truck-driving licence, so every year I go for a test or a medical. I taught quite a few men to drive truck, and this was a water tanker truck. I had one driver who received his licence, but he'd been driving all the way along with an empty truck. So with a full truck, I'd go out with him. After a dog ran out in the road and he swerved to miss the dog and just about rolled the truck, I had to say that he wasn't qualified to drive one of my trucks, because this is what I call defensive driving. You have to make that snap decision on whether you swerve to miss the dog, hit an oncoming car and maybe kill 10 people, or you wind up going ahead and—I mean, it's not a nice thing to hit a dog. Would you like to comment on that? He was a licensed driver. He'd passed the test and everything else. It's pretty hard at times. And talk about that defensive driving.

Mr Christianson: The animal lovers of this world, I'm not sure I'm going to touch it. I agree with you totally, and it's part of our course, that we have to try and train them. If it's a squirrel, hit it. Don't even think about swerving into a tree. Why kill a human being to

save a tiny animal? It's so hard. We grow up looking after animals, and it's so hard for us to save our own lives. It's a problem, and the problem is, everyone driving needs to have a good hard look at what they're doing.

The Chair: I would like to thank Young Drivers of Canada, and you, sir, for appearing here today and so effectively putting forward your views. I found the brief to be very comprehensive and I'm sure all the committee members will look at it in depth. I trust that you'll stay in touch with this committee, either through the clerk or any member of the committee or for that matter any MPP as this proceeds through the process.

JOHN W. BOWER III

The Chair: John W. Bower III, good afternoon and welcome. Proceed at your leisure.

Mr John W. Bower III: Thank you very much, Mr Chairman. First of all, I must apologize. There are some grammatical and spelling errors in this document that may confuse the various members of this committee.

The Chair: Many of whom make grammatical and spelling errors themselves. I think we'll get by.

Mr Bower: Okay, great. Good afternoon to all the members of this committee. My name is John W. Bower III. I'm a first-year political science and labour studies major at McMaster University in Hamilton. Today I will be presenting to you a youth's view of the proposed graduated licensing system set to begin in the summer of 1994. I will start out by presenting you with a brief background about myself.

I have been recognized as a leader of youths within both my community, province and country. I have represented my community on various city-based panels such as the Burlington recreation department's development committee. I have also represented Burlington as an ambassador to the central Ontario leadership seminar in 1990. In that year, I also represented Ontario and Canada at the Hugh O'Brian Youth Foundation's international leadership seminar. Since then, over the past two years as central Ontario president of this organization, I have represented Canada and Ontario at the international congress as one of the three Canadian voting delegates and as the international vice-president.

Thus, being selected to represent my fellow youths within this province, I believe I will be able to present to you the youths' opinion on this matter.

All drivers, whether they are new or have been driving for 30 years, can agree that there is a need to improve road safety in Ontario. However, to target only one group of drivers will not solve the problem. The way to ensure road safety is to improve the driving skills of all drivers on the road.

I will now present a step-by-step analysis of the government's document entitled Graduated Licensing and What it Means to You.

First off, problems with the document: In examining the proposed system, we must realize that there are many holes and problems with it. First and foremost, when reading through the government's document, there are a few major unnecessary statements that jump out at the reader.

The first statement is that the drivers in both levels 1 and 2 must have a zero tolerance to alcohol. I agree with this mission. However, since the government is so adamant in pointing out that about 45% of new drivers on the road are between the ages of 16 and 19, I must remind the members of this committee that the Liquor Control Act of Ontario prohibits people under the age of 19 from consuming or being in the possession of alcohol. Thus, the government is, in my view, recycling existing statutes.

The second statement is in the Ministry of Transportation's publication, which states that the two levels of the graduated system can be completed after "a minimum of 20 months total." Currently you must write a multiple choice test to receive your 365-day learner's permit. Then you may take a road test. After successfully completing this, a driver is on two one-year probationary periods. My math may be a little off here. However, if the government's new system is designed to provide new drivers with experience, would the current system of 24 months not be better suited to reach this goal than the graduated system?

The third and final statement is found on page 4 of the manual, which says that there be a limit on "the number of passengers carried to the number of seatbelts in the vehicle." Are seatbelts not mandatory in this province? Then why reinforce this statement in legislation? Instead, my view is that we need to reinforce this on the road.

Limitations: Limiting a driver from driving on a freeway is dangerous. Since a new driver will have completed his or her driver's education in the level 1 portion of the graduated system, they will have had no freeway driving experience. Freeways or limited access highways are the safest roads in Ontario. Why would we not let new drivers on them?

For example, if, say, on Highway 5, or Dundas Street, the flow of traffic is going at the speed of over 90 kilometres an hour, does the new driver do one of the following: either (a) pull off to the side of the road; (b) stay within the speed limit and impede traffic; or (c) stay with the flow of traffic? I would suggest to you that most driver's education programs will instruct drivers to stay with the flow of traffic. My question is, what will the driver's options be?

Also, I would like to point out to the committee that here in Ontario the Gardiner Expressway has a speed limit of 90 kilometres an hour. That is only 10 kilometres faster than Highway 11 or Highway 5. If a new driver wanted to drive from downtown Toronto to, say,

Etobicoke or even to Hamilton, instead of using the Gardiner Expressway, a faster yet controlled roadway, they would have to use Lakeshore Boulevard and drive within the city. With traffic signals, pedestrians, children, TTC trolley cars, sudden stops and many more situations that will require split-second judgements, I believe this is a more dangerous situation than driving on a freeway.

Scenarios of limitations: As for driving between the hours of midnight and 5 am, few new drivers are out at that time of night. However, some do have to be out there, for example, the designated driver.

I am usually my parents' designated driver. Around Christmas every year, for example, there's a Christmas party at a hotel in Burlington. I am the designated driver not only for my parents but five or six of their friends. So at 1:30, when the 11 pm dinner has been eaten and the dancing is finished, I drive from my house to the hotel, pick up everybody and drive them home. This is a responsible mode of driving. Yes, there are other alternatives. However, for convenience and cost it is much more practical for myself to pick them up.

Most new drivers under the age of 19 are used as designated drivers by their parents. Also, many people, including myself, make themselves open to friends to call at any time during the night as their designated driver if they need one.

Then there are the university students. I'm living at home for university, as are many of my friends, as we cannot afford to live on campus due to the many increases in tuition and costs for post-secondary education. As with many students, prior to university they have seen no need to get their licence due to the convenience of public transit within their town. Usually in the summer prior to school, they go through a driver's education program, pass the road test and have a licence.

However, when they reach university and they realize that they may be doing research at the university until after 12 midnight for a paper because of the lack of availability of equipment before that hour, the new driver cannot drive home. They must then either stay on campus or find a motel. Personally, I think my parents would be a little worried if I had not appeared by about 12:30 at home because I had to walk to find a place to stay.

The other consideration is the dangers for most young women in our communities now.

There are many more people who are waiting until they are over the age of 20 to get a licence. According to this pamphlet, Graduated Licensing, published by the Insurance Bureau of Canada, "By 1988 the figure [of new drivers over the age of 20] was 46%" and increasing. Due to costs, many students must stay at home for school. With government cutbacks to universities and

public transit, it makes it difficult for students who are new drivers to get an education.

1450

I would propose to this committee a change in the wording of the clause. It would read that the new driver would need not to be on the road between the hours of 12 midnight and 5 am. If they are caught driving between these hours, then they would be subject to possible licence suspension. However, if they have been working at school or have a special reason, such as being a designated driver, to be out on that road and are on their way to their place of residence, they should be subject to exemption of this portion of the legislation.

Proposed changes: To completely revamp the current system to make the roads safer would be a waste of precious taxpayers' money. However, there are many changes that can be made in line with the proposed system and the current one. First and foremost, the zero tolerance of alcohol for all drivers on the road would make Ontario's roads some of the safest in North America.

I propose a driving ban for new drivers between the hours of midnight and 5 am. However, as I said previously, there must be exemptions.

I would also advocate stronger enforcement of seat-belt laws. Limit all cars to only the number of people that there are seatbelts available for.

Force all drivers to return to a driving school if they gain too many demerit points.

I would also propose that we create a new, more rigorous driving examination. An 18-minute examination with no freeway driving is not feasible in this province. A two-tiered system could be introduced. It would be along the same lines as the graduated system, but at first your city driving would be tested, and then the second test would allow for highway and freeway driving and a general rules of the road written test. This could occur over a 12- to 18-month or even a 20-month period after the first test. A failure of either could result in the revoking of a licence.

Retesting of every driver every five years to ensure that they meet provincial standards or still do practise the rules of the road could also help to increase road safety.

If you were to run driver education offered within the school day as one of the elective credits a high school student can earn, such as what happens in the United States, I feel you would have more people taking the courses. The previous speaker mentioned that the other provinces subsidized the school board driver education programs. Why not have Young Drivers of Canada or other organizations come directly into the school and run them during the school day as an elective credit? There are—well, under the old system—16 elective credits that we can have as a student.

I would support a combination of the current system along with some of the limitations proposed in the graduated system for new drivers so long as other changes involving older drivers also occur.

Conclusion: Not all new drivers are irresponsible. Most are law-abiding and conscientious drivers. They are aware of what driving is: It is a privilege and can be dangerous if it is abused. Just as there are many irresponsible new drivers, there are older ones too. These are the people who do not yield the right of way. They travel at 130 kilometres an hour on the 400-series highways and swerve in and out of traffic, causing backups and actually accidents behind them. These people must be dealt with, just as much as we must deal with new drivers before they develop poor skills.

We all realize that there is a need for Ontario to improve the safety of its roads. However, to target only one group of drivers will not solve the problem. The way to ensure road safety is to improve the driving skills of all drivers on the road.

Mr Villeneuve: Thank you very much, Mr Bower, for your presentation. You make excellent points, particularly where 400-series highways are concerned. I come from a rural area and I notice that your presentation is primarily urban-based. I appreciate that, but most—not all of them—of the very tragic accidents where young people are killed happen on county roads and, to some degree, on some of our provincial two-lane highways. I think you're right on: With the comparison of the numbers of cars on our 400-series roads, the accident rate is considerably lower, I would think, than on some of these county roads and two-lane provincial highways.

Could you comment to some degree on the exemptions you've suggested? Could you just expand that into the rural parts of Ontario, where indeed agriculture is a predominant factor and we have many young people with drivers' licences and many young people probably without drivers' licences using some of the more secondary roads in the province and getting into some problems?

Mr Bower: I definitely can comment on that. Coming from Burlington, north of Highway 5 it is very rural. The roads are very hilly, very poor condition. Three years ago there was a very tragic accident on that road where five youths died in a single car crash.

You were mentioning the number of accidents. I have the statistics here. On secondary roads and other roads, the fatalities in 1987 were about 390 people, compared to 143 on the 400-series highways in that year.

When I took driver's education two and a half years ago, we actually were tested out on the rural roads north of Burlington. I think that everybody should be tested in some way, if possible, on the rural roads. I think that should be a definite focus, not just the 400-series

highways, because as you stated, that is where a lot of the accidents occur. In fact, the 400-series highways are some of the safer roads. I agree that we do need to do testing on those rural roads, because it's very easy to gain speed quite quickly and to joy ride.

Mr Villeneuve: To adjust to conditions of the road, I think education is a must there. After the first snowfall every year, we're all guilty of forgetting that snow is slippery. Rain is another factor. I think we should emphasize that road conditions are probably even more important. We can teach till we're blue in the face, but we've got to adjust to conditions.

Mr Bower: You're exactly right. I was mentioning the roads north of Highway 5. If you're going to Milton or even trying to get up to the 401, it's the most efficient way to do that and the quickest way. You're correct. When it starts to rain, the roads are very slick. When there's snow on it, you have to adjust to it. You have to decrease your speed. That's just my personal view of it.

I think that most young drivers—yes, there may be the sense of invulnerability. However, I think most youths realize they have a lot to live for and will decrease their speed. I think that, yes, the number of accidents involving new drivers is high. However, the people who go out and cause these sensational accidents, the tragic accidents, I don't know whether or not you'd want to call them nut cases, but they're the ones who are the irresponsible drivers. They're the ones who give new young drivers a bad rap.

Ms Sharon Murdock (Sudbury): Thank you for coming here today. You've made it fairly clear, I guess, through the presentation that you see this draft legislation as targeting only one group of drivers. Were you here for the slide presentation of the previous speaker?

Mr Bower: No, I was not.

Ms Murdock: In that, he made the point that 5.35% of teenaged drivers, 16 to 19, cause 14% of the accidents and 9.7% of the next age group, up to age 24, cause 18% of the crashes that occurred, which is a third of all of our crashes in the province of Ontario. I'm wondering, on that kind of statistic, why you wouldn't want that to be controlled.

Mr Bower: I'm looking at it more personally, putting myself in that situation, along with the comments of my peers. We feel that given the opportunity to develop the skills—there's no better way to learn than actually being in a circumstance, something that calls for split-second judgement. Sometimes you'll make the right decision; sometimes you will not make the right decision. If it causes an accident, then you have to be prepared to suffer the repercussions of those actions.

I think the experience is a key. I think we need to have people, who've only been driving for two or three years, as the province points out—and I would agree

with the statement that it takes about five years for a new driver to fully develop their skills. I think the only way you learn is through doing. That's human nature. If you give people the opportunity to be in an instance where they have to make a split-second judgement, they'll be able to use it, if they're taught properly. That's another key. It all comes back to the training that they receive, both from their parents—

1500

Ms Murdock: I don't know about your parent, but my parent—I'm glad I didn't learn from him.

Mr Bower: Actually, after this crash a few years ago on 1 Side Road in Burlington that I was mentioning, I wrote a thesis paper for my driver's education course, and what I said was that the onus is upon all of us to teach each other how to drive properly. If a parent drives irresponsibly, drives at 130 kilometres an hour, just like anything, the child will pick up on that and will think: "Okay, fine. My father hasn't had an accident driving like this. Why can't I?" We have to breed responsible driving in everybody before it will filter down.

Ms Murdock: I guess what I'm saying is that integrated within this program, with obvious potential amendments, that is exactly what it would achieve. So I don't think we're saying much different, except for the exemption portion that you've suggested.

Mr Steven Offer (Mississauga North): Thank you for your presentation. I think that we all share in a common purpose in terms of working to try to make the roads a safer place for everyone.

I'd like to ask for your thoughts on this. I've gone over the level 1 requirements, and I think that you've spoken about this, as well as the level 2. One of the problems that I see with level 1, as we speak about novice drivers and experience, is that there is no driving required for a level 1 driver. In other words, someone can, at age 16, for instance, pass the test, not drive and eight months later apply for the level 2, and therefore be given all of the privileges that they now have.

If anyone is speaking about the need for experience, especially on the roads in Ontario and the different climatic conditions, quickly looking over the regulations, there seems to have been omitted the need for an individual to actually drive during the probationary period. I'm wondering if you might want to comment on that.

Mr Bower: I guess I could do a comparison to the current system of the probationary period. You probably could get your licence currently under either system pretty much without driving a car for very long. I'll concede that. There are always holes within any type of policy, but I believe you're correct. With the new graduated system, there will be problems, a lot of problems, where you don't have to actually physically

go out and drive a car, and then all of a sudden you'll be allowed to drive on a freeway. You would have supervision, but some parents may take their child on the 401 right away and say, "This is the best way to learn, throw you right into action."

I think there could be some serious problems with that, and I believe that if you go through the proper stages, as I pointed out, where you take your 365-day learner's permit and you have your written test there, a multiple choice, you then—as the gentleman before me pointed out, it takes about eight months to get your licence in this province right now. You're looking at, in southern Ontario anywhere, the earliest is probably the middle of January that you can get your licence.

What happens there is that this forces you to have experience. You're forced on to the road to drive. You must learn to drive, and what happens then is that when you go for your test, you pass your test and you're on two one-year probation periods. I think that's incentive enough.

To add to that, I'm one who believes that the family has a big role to play in driving. My parents put me through their own graduated system. "You can drive to the corner store for the first six weeks. You can drive to school for the next two months. You can then drive to the other side of town. You can go to the movies. You can drive to your grandparents' place in Toronto." This past year, after almost three years of having a licence, I've been able to travel extensively through this province and the northern United States. I think that's where the onus should be, on the family, to really put them through and to be responsible. Everybody needs to be responsible.

The Vice-Chair (Mr Mike Cooper): Thank you. Mr Conway.

Mr Sean G. Conway (Renfrew North): Excellent brief. I'll pass.

Mr Daigeler: In preparing your brief, or even before that, were you talking to your age cohorts, I guess, and also to the older people, and what was their reaction, their general reaction towards this initiative?

Mr Bower: I definitely did talk to peers and any time that I have the opportunity to strike this conversation up with adults, people I respect, teachers, various members of various levels of government, we had some very constructive dialogue. I think the sense was with the younger people, "Why are we being censored out?" and for the adults I would say it was more, "I think this is a good step; I think we're taking a step in the right direction." Then most of the youths would come back with the statement that, "Yes, but they drive just as poorly as we do." To give you a balance, the adults I've talked to are very much in support of this; the youths are not.

Mr Daigeler: Including your parents?

Mr Bower: No, my parents do not fully support the system that is proposed. They do support parts of it, as I pointed out, very much. I read through the document first and gave them ideas and then they bounced ideas back off me, and we had a lot of constructive dialogue about the situation, especially with my brother, who is going to be, most likely, under the graduated system. So it does affect us.

The Vice-Chair: Mr Bower, thank you for taking the time out of your schedule and coming and giving us this presentation. I trust you'll follow the proceedings of this committee and keep yourself posted on what's going on. Thank you very much.

ROAD SAFETY EDUCATORS' ASSOCIATION

The Vice-Chair: The Road Safety Educators' Association. Good afternoon.

Mr David Baker: My name is David Baker. I'm vice-president of the Road Safety Educators' Association.

The Road Safety Educators' Association is an organization designed for the individual educator working in the field of road safety. RSEA is open to anyone who is involved in educating the public about the safe use of our roads. This includes driving instructors, of course, but it also includes those who train truck and bus operators as well as those who train cyclists, motorized or not, and pedestrians. Membership is open to journalists, safety officers, health care practitioners and any other persons who are in a position to make recommendations to the public about the safe use of the roads.

It is our aim to develop a coalition of agencies and organizations interested in road safety education. We are entering very interesting times in the areas of transportation, mobility and safety and, hopefully, with graduated licensing on the horizon, we will find solutions to issues affecting all road users that involve the new or young driver.

We would like to thank the Ministry of Transportation for inviting us to appear before this standing committee to represent the concerns of the road safety educator. As a group of educators, we are very excited about the concept of graduated licensing. We intend to stay abreast of any and all road safety initiatives and we hope that graduated licensing will be only the tip of the iceberg of strategies to reduce road trauma.

It may be a balancing act for government to implement a graduated licensing system under a criterion of restricting only those drivers who are at higher risk, but we believe the results far outweigh any difficulties that will be encountered in the process.

I'd like to introduce to you our president, Sue MacNeil.

1510

Mrs Sue MacNeil: Hello. Thank you very much.

Before I begin I should tell you that I do wear many hats when I come to this committee. I am a parent of two teens. I live in a rural area. I live on a farm. We have D vehicles. I'm an educator and I've been involved in health promotion and road safety education injury prevention, which my degree is in, for almost 25 years. I'd like to continue with what we see as the proposed graduated licensing system for Ontario. We have a few general comments.

The Road Safety Educators' Association, RSEA, would like to commend the Ministry of Transportation of Ontario for its initiative in proposing this form of licensing new drivers. However, there are some concerns regarding the time lines and placements of the restrictions that we as a group would like to address.

The province of Ontario is extremely diverse. There are large barren areas with few towns and villages as well as metropolitan areas made up of highly sophisticated roadways and transit systems. Due to this fact, the system of graduated licensing will have to be worded very carefully in order to gain maximum safety benefits while only slightly restricting or limiting mobility and/or inconveniencing those individuals or situations the system was not designed to restrict.

It is our position that (1) This mandate can be accomplished by selecting vocabulary that does not adversely affect individuals using either age or gender; (2) that flexible interpretation at the policy level will allow the necessary exemptions so people will not be unduly restricted.

Our specific concerns: As we understand the currently proposed system—I'm sure you all have it in front of you but I have it on a slide as well—the restrictions exist, for the most part, in phase 1. Phase 2 has only the zero blood alcohol concentration restriction, the passenger limitation to number of belts and the G-vehicle-only restriction. We question if, indeed, this could truly be called a graduated system since research has shown that novice drivers are most at risk under these situations once they drive without the accompanying driver. That's the whole concept of graduating the system.

One of the issues we've been looking at very seriously is trying to word the concept of passengers which seems to have been a stumbling-block in a lot of legislation and a lot of issues that we've been dealing with. I think we've come up with something that may be something to think about for this committee. I'll read it and we're going to put it up on the board as well.

The number of passengers is not as big a factor for increased teenage deaths as the number of increased teens in the car. So in this particular area, we're looking at the age variable and in a little while I'm going to look at the experience variable because TIRF, the Traffic Injury Research Foundation, is teasing those two apart and both are contributing factors. But we can't disfranchise someone who is not a teen nor can we

disfranchise someone who is experienced, so it's trying to use those two variables and tease them apart province-wide that's been the challenge.

Therefore, it is suggested that the wording address the issue that represents the highest risk. If this were accomplished, an actual number could be specified. The word we are recommending for this restriction is "novice peer" and that novice peer be defined as: A peer is defined as an individual who is within four years of the driver's age.

An example in this case would be that Bill, age 17, would have both male and female peers between the ages of 13 and 21 years of age. Mary, age 42, would have both male and female peers between the ages of 38 and 46 years of age.

"Novice" refers to someone who has not held a driver's licence for at least four years.

Example: Bill's peers would more than likely not have held a driver's licence for a minimum of four years. Mary's peers will most likely have held a driver's licence for a minimum of four years. While this looks like I'm being very nitpicky, I think you'll see as we go on why this is important.

This would alleviate the instances of multiple youth in a car—he's mentioned the Burlington crash. We could just go off on our hands, the number of multiple youth crashes that have been occurring in this province—but this would not restrict parents in transporting their children or a group of their friends.

One of the issues—as I said, I'm from a rural community and I've done a lot of going out and trying to understand across this province what are the issues and how do we deal with them. The last speaker raised the issue that it's the teens we're concerned—that it's against them. In essence, in a very rural environment, which I live in, when asking the teens about the restriction, in this way they could live with it.

But what they were concerned about is if it restricts all new drivers, because just about every country teen, farm teen, has had some person, some elder in their community—aunt, uncle, grandparent—who has had to become licensed at an older age—ie, grandpa dies and at 62 grandma's got to get a licence. That would literally move them off the farm, if you don't take that into consideration. So actually, those farm teens were not the ones—they were actually concerned about community members who would be disadvantaged by this.

This would not be the intent of the legislation, as we understand it. In this case, the young, new driver could help with the transportation issues facing rural families, because what we're suggesting, as you'll see later on, is that they be limited in phase 2 to driving with one novice peer. Any more than one novice peer, they would have to have an accompanying driver in phase 2.

I think the issue the young man raised earlier is very, very important, and that is a lot of parents do not want to let a teenage female out on her own. It has nothing to do with the risk of crash, but it has to do with a lot of other risks, especially down around the Burlington area after the Mahaffy and French cases. We're seeing a lot more parents who are really uncomfortable with the idea of having to drive alone.

So the idea of a novice peer—because if you look at the statistics, that group, where you have one other novice peer, is not specifically disproportionately represented in crashes. It happens when you get multiple, so let's be very specific and if that's where the problem is, try and target just the problem.

These young drivers could help with the transportation issues facing rural families—and there are a lot of transportation issues facing rural families—by picking up a sibling from hockey practice or from an after-school job, but not having a slew of other teenagers in the car. Usually, these types of errands are monitored by parents and are often accomplished using the family car. "Monitoring" here I'm using very generally, "Take the car down and pick so-and-so up because I've got to finish the milking." That is not an uncommon thing that happens. Those are not the concerns of the researchers. Those are not where we're having multiple crashes. We're trying to address just the crash issue.

Parents have raised the issue with us that one of their greatest fears is having their teenage daughter be alone in the car. If the graduated system were to restrict other persons in the car in phase 2, completely restrict them down to just driving alone, these parents have reported that they would not allow their daughters to drive at all during that time. Coming back to the issue that was raised, what about the waiting-out phase which happened in New Zealand? We just simply wait it out. That is a problem and it's a concern. We want parents to encourage their children to use the car, but use it in a safe environment, not in high-risk situations. Therefore, the concept of novice peer would allow the teenager at least one other person with them. You'll see when I put up our chart of that, that's what we would suggest doing.

The night-time curfew: While the issue of a night-time curfew is one that is very contentious, we recommend that this restriction be put in place in phase 2, with exemptions for school, work or family obligations, in such a way that families are not disadvantaged due to a member not being able to carry out necessary transportation tasks between the hours of midnight and 5 am. This restriction is most important not in phase 1, where the driver has an accompanying driver who's a minimum, at this point, of 20 to 21 years of age—four-year experienced driver—but during phase 2, when drivers are first taking their initial foray by themselves or with their one novice peer. This restriction would not apply

if the new driver were accompanied by a fully licensed driver with four years' experience. So during phase 1 and during phase 2, they can drive between midnight and 5, given that they are accompanied by someone who has four years' experience. So they do get some experience in that, but not in the high-risk situations.

Zero BAC: We realize that zero BAC means no drinking, as in having a drink of alcohol, but it's not going to be so ridiculously tight that one cannot take cough medicine. I think we've already gone through some of these issues. We fully back the concept of not allowing new drivers of any age to have any measurable amount of alcohol in their system while driving in either the first or second phase, irrespective of age. Again, we're getting away from this being an age issue, because what alcohol does, certainly in terms of the literature and research, is that alcohol does not act any differently on young people than old people, and that's not something we should be targeting youth for at all. It's that phase when you're just learning to drive, where you're having to do an awful lot with your brain, that alcohol affects you, whether you're young or old. It's in the judgement area, so we'd say it would be for everyone across the board.

1520

The "new driver" ID vehicle sign: I'm so glad Peter Christianson of YD and I see eye to eye on this. I think all instructors will give you some different views on this. Intuitively, it makes sense to alert other road users that there is a novice behind the wheel. It follows from that intuition that experienced road users would be more patient, understanding and less aggressive towards the new driver. However, this assumption may be faulty. Consistently, instructors report four specific responses other drivers have towards a vehicle that is clearly identified as being driven by a novice driver. The responses are as follows:

—Drivers behave as intuitively expected, exhibiting patience and understanding; that's the smallest group.

—The signs make no difference; that's the biggest group.

The other two are of concern.

—Other drivers try to "help" by giving away their right of way. You come to a way stop and the other driver should go and he sits there—"Go." It's very frustrating, because you've got to smile and thank them because they think they're being helpful, and that's really wonderful, but all they're doing is confusing the driver. It becomes very confusing and frustrating both for instructors and for accompanying drivers.

—New drivers are often harassed just to get a reaction. They like to get each other's goat. The only time I've ever had a beer bottle thrown at my car was when I had a student sitting beside me with the roof sign on. So we've had some situations where drivers do some

rather stupid things to upset the new driver.

This type of aberrant behaviour is most often exhibited from young drivers to other young drivers. For this reason, we are wondering if indeed this identification process should be used at all.

The 400 series: We as a group are at a loss to understand restricting these highways when they are considered some of our safest roadways. In phase 1, the new driver is accompanied by a fully licensed driver with a minimum of four years' experience, therefore the opportunity to practice in a less risky environment exists. For both expressways and high-speed roadways, we recommend that some form of professional training be encouraged. Once a driver has had the time to practise this throughout phase 1, we see no problem in letting the new driver use these roads, providing (1) it is not after midnight; (2) they meet the passenger requirements as per the item entitled "Passengers"; and (3) they have zero blood alcohol concentration. So it doesn't make this messy if you look at it, because they're already in place, and that's where the problems may exist.

Drive class G vehicles only: My friend from the north here will appreciate this, I think. This is no different than the existing regulation, with the exception of a farm employee driving class D vehicles for farm use while working. The Road Safety Educators' Association recommends that persons operating class D vehicles as previously specified be fully exempted. We do have to keep the economy and agriculture going, and we just can't be making these blanket statements that work extremely well for the urban environment but do not work very well for the rural environment.

I'd like to go on now to talk a little bit about incentives, and I'll talk fast because I'm running out of time. Is that right?

The Vice-Chair: You have about 15 minutes left.

Mrs MacNeil: I'll go really fast, because it's not finished yet. Using incentives may be very beneficial in having new drivers behave in ways that enhance road safety, but it is of concern to us that these or any incentives be offered so that maximum safety benefits are realized. For instance, if one offers a reduction in the minimum time for moving from one phase to another so that experience can be capitalized on, the incentive should encourage experience, not just enhance waiting out the phase. Steven Offer will appreciate that one.

The concern here is that if the new driver receives an incentive, four months' reduction in time for taking driver education, the driver may delay taking professional instruction until closer to the first test in order to increase the likelihood of passing the test. It is doubtful that this will improve road safety. This scenario raises other administrative questions such as: When may the

new driver book the test for level 1? What constitutes a driver education course at level 1, at level 2 etc? More importantly, how can the entire process of driver education be more specifically defined to reflect the learners' needs across the province in the new system of graduation from phase 1 to phase 2 to fully licensed driver?

Incentives should be used to:

- (1) Encourage professional road safety education, both individually and within the community;
- (2) Promote safe driving practices;
- (3) Develop and exhibit a healthy attitude towards road use; and
- (4) Encourage a healthy respect for the different road user groups.

These incentives should encourage:

(1) New drivers to seek out professional road safety education, and after successful completion, receive an earlier entry into and out of stage 2. The time lines would then be six months minimum rather than 12 months minimum, if the individual has successfully completed a recognized and approved road safety education class designed for the entry-level novice drivers;

(2) Further education in the second level, allowing persons to be eligible for a further six months' reduction in time to become fully licensed if they successfully complete a recognized and approved road safety education class designed to enhance the experience received from their time spent both in the first phase and in the first few months of phase 2. Experience and learning are very closely tied in this issue, and you can't do it all in one phase. That's the whole concept of graduated;

(3) Incentives should also encourage new drivers to adhere to safe driving practices and be encouraged to seek professional evaluation and training if they are in an "at fault" crash or collision.

Additional proposals, and this is very short:

(1) The legislation and policy should be designed in terms of "gaining" privileges rather than "losing" restrictions. I think it's really important to put it in as positive a note as possible;

(2) We propose that there should be an 18-month probationary period pre-licensing. This is probably something very new.

I don't even know whether I ethically should refer to the Burlington crash, but anyone who is familiar and has looked through the coroner's reports in this province realizes that there is another variable in there, and it is not only age and it is not only youth but it is also age, youth and being a bad seed, being a bad egg. That individual who was driving that car got out of jail at 11 o'clock in the morning, got his test at 1 and killed four teenagers that night, and he had had multiple, multiple

offences that led to his incarceration at that young age. So I think you have to be very cognizant of some of the issues that are being involved in the whole licensing process.

The condition of this probationary period would be that the individual has not been convicted of a felony. To remain conviction-free would gain the individual the privilege of starting the licensing process at the age of 16. This measure is designed to encourage younger teens, which we don't seem to be doing very much of, to be respectful of the law and take seriously their social responsibility if they want to attempt to become one of the driving public.

If you'd put up the second one of that—the summary you can read on your own—we'll just go over this.

Mr Baker: Which did you want?

Mrs MacNeil: The Road Safety Educators' proposal.

Here you can see that basically what we've done is tried to shift those areas that are extremely high-risk, that we know through statistics and through the work we've done across the province, into the area where they're going to receive the most, and yet try not to restrict those situations where even though they're in the age or the time, they're not disproportionately represented in crashes. So herein you'll see on the right-hand side in phase 2, number 7, the restrictions in numbers 4 and 5, ie, limit to one novice peer, and the curfew is lifted if a four-year licensed driver is with the driver.

That's basically our proposal.

Mr Paul Klopp (Huron): Thank you very much for coming today. You hit a chord with the rule issues. This discussion has been in our caucus for the last year or so, I guess, as something that we think we all agree on: safety and better education for anyone driving a vehicle. The records show that the more you're prepared, the less there are accidents, and I'm totally in agreement with that. One of the issues is, especially in rural Ontario and especially—I may be a little biased about that, the farmer in me or whatever.

Mrs MacNeil: Me too.

Mr Klopp: Your recommendation is that a G licence be exempt.

Mrs MacNeil: No, D.

Mr Klopp: Now, your proposal—

Mrs MacNeil: Phase 2.

Mr Klopp: In phase 2, could you expand on that a little bit more for me?

Mrs MacNeil: About D vehicles?

Mr Klopp: Yes, but what you mean by "exempt."

Mrs MacNeil: Under the current system, if you live on a farm—you don't even have to live there—or if you work on a farm for a farmer and he's hauling grain from one farm to another in a D vehicle, ie, a dump truck, which is typically how you carry grain across this

province from one farm to another, and other machinery that classifies as D vehicles, you can currently drive once you have your licence. We would like to see that exemption stay in place because there are a lot of young people who get their licence and there is an expectation that they're going to help dad.

1530

My son, just to give you an example, has been driving the tractor since he was 10, but when he came to the road, he had to stop. Once he became 16, he could drive the dump trucks and we had to take them from our elevator, which is in one place, out to the fields, which is 15 miles. He could take those D vehicles because he was classified as a farm employee within the farm family. That's really important for farm families.

Mr Klopp: So basically you're saying then, leave it the way it is now if you're going for this D licence.

Mrs MacNeil: You don't have to have a D licence. I'm talking about the vehicle being a D licence. It's just a regular licence, but you don't need a D licence classification if you're driving farm vehicles. It's just a glitch in the law. But that's how it works so that farm people can use their vehicles across the province.

If you're driving for someone and you're hauling and it's not farming, the D vehicle requires a D licence, but if you're driving from a field within the farm operation, you do not require a D licence, but it is considered a D vehicle.

Ms Murdock: Just a quick question on one of the last comments you made about involving pre-16-year-olds and basing it on conviction under the Criminal Code, I presume: I'm wondering how you could justify that under the Highway Traffic Act and involve a federal piece of legislation on top of that. How you would be able to justify that, I don't understand.

Mrs MacNeil: I was involved in a lot work this year with coroners and whatever, and that was the question: Would that have to be legislated federally? The answer would have to be no, because getting a licence or any prerequisites is a provincial jurisdiction.

Ms Murdock: True.

Mrs MacNeil: But given that someone has a criminal offence, we do it. I think the analogy we came up with that was the closest was gun legislation. If you have been convicted of a criminal offence, a felony, you cannot apply for a gun licence until it's been a minimum of 18 months, I believe. Now, I could be wrong on the time lines, but there is that, and that would be the same mechanism.

Now, I don't know how you do your mechanisms inside, making laws in government. It's not our biggest recommendation, but certainly we don't really have very many things that encourage young people prior to the age of 16 to act responsibly.

Ms Murdock: No, and some of your points are well made. I appreciate the new thoughts you've given me in terms of length of time. But one of the other concerns I had is that in your way, you would even have less time for experience.

Mrs MacNeil: I'm sorry?

Ms Murdock: The suggestion you're making in terms of incentives would create an even shorter time period in terms of gaining experience. Am I correct?

Mrs MacNeil: There's a real issue with the whole thing about having a time line and the expectation of what people are going to do in there. I'll be in front of you next Monday, but I'll do it again then.

The problem is that you want people to take driver education at the first part of phase 1, because that's where you want to establish some decent understanding of the road system, but you want them to take road safety education at the last part of stage 2, so you have a maximum amount of experience in there. By trying to get them to do that—and part of the incentive is to try to get them to move driver education to the first part, because once they gain experience, they don't have a problem getting the car. The problem is trying to encourage parents to allow them to drive, and that is a real problem.

If you wanted to use something like Peter was suggesting with the number of hours that you've got to accumulate, that's very difficult. I think we're going to have to be very careful in how we word the whole legislation so that we get people taking driver education at the appropriate time and not waiting right up before, plus the fact that depending on when you can book your road test, as to whether or not you can avail yourself of that criterion.

Right now, the way it's written, in urban populations they are advantaged; in rural populations they are disadvantaged with that four-month period. Again, that's partly an administrative issue but it has to do with when you're allowed to book the test. If you have to wait until you're finished your driver education program to book a test, I'll guarantee you that becomes a misnomer for anyone living in a rural community.

Mr Conway: Very, very stimulating recommendations. Just where in rural Ontario do you live?

Mrs MacNeil: Actually, just outside of your riding. You're in Renfrew, right?

Mr Conway: That's right. So you're where?

Mrs MacNeil: I'm just in Arnprior. I go to your office often.

Mr Conway: The reason I raised it—I mean, I live in a car and I think the government is certainly—

Mr Runciman: Because of salary cutbacks?

Mr Conway: —essentially right here. What was that, Bob?

Mr Runciman: Because of salary cutbacks?

Mrs MacNeil: He hasn't collected enough air miles yet.

Mr Conway: Actually, it's the one place where I can be alone and not bothered. I really want to support this policy because I think it is certainly the right thing to do. But as I look at this and as I think about the world I grew up in, in rural Renfrew, I think we have to find ways to substantially amend this or this is going to be a completely unworkable, unenforceable policy in the rural world that I come from. You've made a number of very, I think, interesting and helpful suggestions.

Mrs MacNeil: What I did was, I sat with a grid, and because I come from a rural environment—and I'm in Toronto literally once a week on either meetings or whatever. I always seem to say, "Just a second. What about the 42-year-old who lives in Ompah? What about this 68-year-old just outside of Renfrew who's just lost her husband? Let's take these people into account." I made a grid and I put all the different road-user groups by all the restrictions and then I went down and said, "How can we get through this and make it simplistic enough that it would be workable?" That's where the concept of novice peer—it may not look like that took a lot of work, but there was a lot went into coming up with those two words and the definitions of those.

Mr Conway: I think that's very helpful and we're going to want to look at that as a committee.

I've got a couple of other things I'd like to quickly touch on. I think Mr Villeneuve or someone made the point earlier, and perhaps you did in your testimony, but I continue to be amazed at just how incredibly reckless people are in bad conditions. It's one thing to—and I'm certainly guilty, the department of transport knows me only too well. But one of the things that always amazes me is how incredibly careless and reckless people are prepared to be in bad weather: in the worst snowstorm, in freezing rain, in heavy rain.

Mrs MacNeil: Their behaviour may be that but I don't think they're trying to be that.

Mr Conway: No, I know.

Mrs MacNeil: They just don't know.

Mr Conway: So what do we do? How do we change the way in which we educate people?

Mrs MacNeil: Do you see the words in there, where I said not only individual education but community education? Why in the name of Pete don't the stations in Renfrew, Arnprior, Ottawa, when we know we're going to have a snowstorm, have a talk that day on how to deal with snow? Last year, the first snow, in one hour, in Ottawa we had 89 crashes. There was a waiting period for police to come to crashes of over an hour and a half. Give us a break. That's crazy. But was there one statement within 24 hours before that snowstorm? Nothing.

Mr Conway: If I remember correctly, the people on the RIDE program—one of the things that I think I remember from that is, why did that work after a while? Someone said to me, from the police or the department of transport, it worked because the enforcement got to a point where people began to believe for the first time that they would get caught. It is when they began to understand that they might very well get caught that their behaviour changed. I think the difficulty we have in so many of these things is, people think, "Oh, it's snowing out there, but it's not going to happen to me." What do we do?

Mrs MacNeil: Have you read any of my work on perceived and objective risk in driving? You should pick it up because there's about five hours I could give you, and that's what the whole thing is all about. We don't perceive we're at risk when in essence we really are, because we perceive other things as being more important and more of a problem.

Mr Conway: Thank you very much.

Mr Daigeler: Just a very quick question: Are you involved, like the other gentleman who was here from the Young Drivers, in the development of the level 2 examination?

Mrs MacNeil: In a simple answer, no. Would I like to be? Yes. Were there problems around me getting on? Yes. Was it political? Yes. Any other questions?

Mr Daigeler: Well, we'll ask the minister tomorrow.

Mrs MacNeil: Okay.

Mr Daigeler: The other point: Again, like Mr Conway, I think your suggestions are excellent. Frankly, it's not too often that we have such well-thought-out, specific proposals to revise a government project. Sometimes, perhaps, it's not that easy to come forward with new ideas, but here we clearly have two ideas that are very interesting. Again, have you already checked these with the ministry, in particular this idea about the novice peer? Has this just come up recently?

Mrs MacNeil: I've been working on it for a fair length of time. Politically—oh, my gosh, I wish that tape wasn't going. A lot of times that you can come up with something and say, "If we can make this work and we don't disadvantage those groups," conceptually they're all for it. It's the idea of trying to come up with it, and then it takes a phenomenal number of hours to go out and talk to people. I mean, I drive thousands of kilometres in this province. I know this province fairly well and I'm not amiss at all to talk to any group or any individual about this. It takes a lot of that before you can come up with some way to get the words. So had they actually seen these two particular words? No. But conceptually, yes, they like the idea if they can make something that's workable.

1540

Mr Runciman: I'm intrigued by your comment

about your not being involved in the second phase because of political reasons. I'm just curious: Are you talking about political reasons in a partisan sense or within the industry?

Mrs MacNeil: Small-p. No, no, no. Small-p. Within the ministry.

Mr Runciman: Within the ministry. You've had some difficulties in—

Mrs MacNeil: A lot of times—I'll say this because maybe you'll understand it. You've all appreciated that I'm fairly innovative. Sometimes bureaucrats find innovation and change threatening.

Mr Villeneuve: Sometimes?

Mrs MacNeil: Sorry.

Mr Runciman: Do you share Mr Christianson's rather negative views in respect to driver education through the high school system?

Mrs MacNeil: Did anyone see Marketplace? That was me driving. There are some real problems, and it is not only driver education. To put that only in high school drivers' ed—that it's the problem is a fallacy. There is some really poor driver education, period, in this province. Mind you, there is also some of the best driver education worldwide, because I do a lot of consulting both in the United States and across Canada. So we have the opportunity for probably the best system, especially over the next two years, and with the Road Safety Educators' Association, a democratically elected group which is the only one in North America, I think the opportunity for growth in that direction is very, very, very high.

Mr Runciman: You're not totally opposed, I gather, to providing that kind of training through the high school system.

Mrs MacNeil: The high school system is not the best place for it, but that's not because I think the high school system is bad.

Mr Runciman: There's such an emphasis on professional road safety education in this legislation and in your contribution here today. What's the system like across the province in some of the more remote areas?

Mrs MacNeil: Almost negligible in some areas.

Mr Runciman: What's the impact in respect to this legislation? You're saying it's almost negligible.

Mrs MacNeil: How much time? Am I going to run out of time in two seconds if I start into this?

The Vice-Chair: There is somebody else waiting.

Mrs MacNeil: If I go fast?

The Vice-Chair: As quick as possible, please.

Mr Conway: The rule in committee is to talk until somebody stops you.

Mrs MacNeil: Oh, is that right?

The Ministry of Education had subsidized driver

education within the extracurricular area of high schools across the province. Therefore, most boards—almost every board—offered driver education. Now, I wish I'd brought my maps with you. I could show you clearly where driver education is available through that system, which comes from the Ministry of Education, Ministry of Transportation, certification through them. Everything is different about it. No monitoring to it whatsoever. Problem number one.

On the other side, we look at where the DSAO schools are, through their approval system, and they're very, very urban-centred. I mean, that's typical. You don't find very many computer stores way off in Ompah or whatever. Same with drivers' ed. So we need those school programs, but we need them monitored.

We've finally, after years of fighting and saying, "You can't just give someone a licence after three weeks to be a driving instructor and send them out there and expect them to do a good job and understand the issues about road safety, which are very complex, without some follow-up"—that's where the problem lies.

What we'd like to see is that anyone who is doing a good job be encouraged to do a good job. If you read the criteria we have for road safety education in the more rural environments, they are to use whatever facilities, keep the price where the people can get it. Even right now, we're trying to fight with the Ministry of Education to allow late busing, if they are going to have it in these rural communities, because if you live 45 kilometres away from the school and you've got to get home to milk, there's probably no way Dad can come and get you. So there are a lot of issues and I'm not anti, but it's in the wrong place.

Mr Villeneuve: The gaining of privileges, I think, is most important, and no one's looked at that positive concept as opposed to taking away privileges. I think we have to very much make sure that young people—"I'm 16. It's my right to drive." It always will be a privilege, and I think we make absolutely sure that they realize that at the outset: It's a privilege to use the public roads.

You address the situation about specific exemptions, and I very much like that, but how would that work? Could you explain to me how a specific exemption would work on one youth and not on another?

Mrs MacNeil: To begin with, we're still restricting after midnight to 5, so the big thing is to restrict the time. I mean, if you go through the factors that cause a crash, all you've got to do—if you want to have someone have a crash, guaranteed, you start off with an 18-year-old male. You put six people in the car, you make it late Friday night, drink for half the night and come home at 4 o'clock in the morning. You add a great big car he's never driven before. Guaranteed, if you add enough variables, enough factors, the car will crash. So

the trick is to word it in such a way that they have maximum—

Mr Klopp: I didn't think you could guarantee a crash.

Mrs MacNeil: You didn't think I could guarantee a crash?

Mr Klopp: No, no. I'm just thinking about that.

Mr Villeneuve: You've described the scenario.

Mrs MacNeil: Yes, but that's the whole point. It's to restrict only those who are going to be in those situations without restricting the fellow who goes and he's got to pick up a sibling or whatever. So the novice peer does an awful lot to do that. It does a phenomenal amount when you think it through. And the other one is that if you do work, you have a card that you can get and have signed or stamped or whatever that you work Tuesday nights and whatever. But you'll find that that's not a major deal. It's really not the single person with his girlfriend coming home at 2 o'clock in the morning. That's really not the big crash stat.

Mr Villeneuve: We in eastern Ontario have had a number of exactly the scenario you—

Mrs MacNeil: Yes. Oh, I know, with eight of them, one of them in a trunk. I know; I was at that one.

The Vice-Chair: Mrs MacNeil, Mr Baker, thank you. We look forward to your presentation later on during the committee's deliberations.

Mr Conway: While the next two witnesses come, maybe you didn't hear that report the other day when CBS News reported out of Louisiana that the state troopers had stopped one vehicle, a 1990 Grand Am, which is—what?—a medium-sized car, and there were 26 naked human beings in that car.

Mr Daigeler: What are you listening to?

Mr Klopp: So what's your point?

The Vice-Chair: Thank you, Mr Conway.

Mr Conway: CBS News.

Mr Villeneuve: It didn't crash, though.

Mr Conway: Well, it did actually crash.

The Vice-Chair: Into a tree.

Interjection: The naked truth.

Interjection: It's certain that they don't have seatbelts on.

The Vice-Chair: The problem is they ran out of cars along the way.

Mr Conway: No, actually, a divine voice told them that the Devil was inhabiting their clothes. It was a wonderful story.

The Vice-Chair: Thank you for that.

Ms Murdock: So they hadn't been drinking. They had taken drugs, I guess.

The Vice-Chair: Order, please.

CONCERNED CHIEF INSTRUCTORS OF
THE CANADA SAFETY COUNCIL
MOTORCYCLE TRAINING PROGRAMS
IN ONTARIO

The Vice-Chair: Mr Redekop, welcome. Please identify yourself for Hansard and then proceed.

Mr Don Redekop: Sure, but Mr Conway's is a tough act to follow.

My name is Don Redekop. Do all of you now have a copy of that presentation before you? I apologize for not being able to get it to you beforehand for your consideration.

Just by way of background, I am a chief instructor with two community colleges offering motorcycle rider training in Ontario, one of them being Humber College and one of them being Confederation College in Thunder Bay, which has just begun a rider training program under my guidance.

I am here for several reasons. I am concerned that graduated licensing may inadvertently have the impact of reducing the incentives for novice motorcyclists to take rider training. It's certainly not planned and I trust that this will not be the case, but it may be.

1550

In a larger context, one of the reasons I'm concerned about motorcycles is because, of course, that is my avocation, in motorcycle training, but also because I think the vehicles are interesting to you from several points of view.

They have a greater accident record than other vehicles on the road, to most other vehicles; even though they are a tiny minority of vehicles on the road, they do occupy a significant portion of the fatalities that are reported to the Ministry of Transportation.

They are marked by a reasonably visible segment of the driving public, that being the young and to some degree young males, though that is changing yearly. For that reason, motorcycle fatalities seem to have occupied a position, I think, that is perhaps disproportionate to the number of fatalities that they are actually accounting for.

If I could just direct your attention to page 1 of my brief, there are two significant points I wish to stress: One is that in a five-year period, which is the latest five-year period for which we have good numbers, motorcycle fatalities were halved; they declined by 50%. This is not, I think, a matter of typical public perception; it comes as a surprise to most people.

Secondly, during that very same five-year period, the number of people taking rider training as a route to getting their motorcycle licence and as an entry to the sport climbed from approximately 25% to approximately now 70%, 75%. This is, I think, a tremendous tribute to a totally voluntary, totally private, quite expensive—from the point of view of the customer—process to

educating oneself in safety.

Despite all of that, the Canada Safety Council motorcycle training program has made tremendous inroads; we have terrific penetration in the market. In the Toronto area it's considerably higher than that. We estimate that it is close to 80% of newly licensed people taking training without any compulsion on the ministry's part, and we're very proud of that. We think we offer something of service to the community and that's why it has become so popular.

What I am concerned about is that perhaps there will not be sufficient incentives built into the graduated licensing scheme to encourage people to take training. It may be seen by some customers that it's a bit of a bitter pill: They have to spend a weekend with us, they have to spend a good deal of money to get training. We've been able to offer them some sugar coating: You will at least earn your licence; you will at least earn the opportunity for insurance discount with some motorcycle insurers; you'll have fun, all those things.

It is my concern that, for example, if rider training is not seen to be a sufficient substitute for a given amount of time during level 1 and level 2 probationary periods, there will perhaps be seen to be a lesser incentive to take training. After all, why not just wait out the period, take the ministry test, and, "All in good time it will come to me." So I'm here to make a plea that certain things be adopted for your consideration, as on my page 2 under "Recommendations."

You will hear, if you have not already heard, from other motorcycle groups suggesting incorporation of existing standards, that being the Canada Safety Council, Ontario Safety League motorcycle training program which is national, widely accepted, has international recognition and has done very well by Canadian motorcyclists' needs.

Now, stop me if I'm just recounting details you're fully aware of, but there was some attempt in the recommendations to bring into parallel structure automobile levels 1 and 2 and motorcycle levels 1 and 2. Is there a chalkboard that I could have access to, or a marker board? That would be fine.

The Vice-Chair: I believe there's a clip-on microphone that you'll be able to use.

Mr Redekop: The most recent suggestion I have seen from the ministry's discussion paper was that level 1 should consist of two months plus a level 2 period of 22 months, to make 24. My proposal, as well as the proposal of other motorcycle groups that you will no doubt hear from, is for a longer period 1, which is the most highly risk-factored period for a novice motorcyclist; extend that and correspondingly shorten that, still to bring it into sync with the automobile portion of graduated licensing.

We're making a further suggestion, as I am in this

paper, that with rider training this figure would be substantially reduced, that you accelerate your own passage through the system by voluntarily submitting yourself to training. I am leaving open in my presentation what that figure should be, but other suggestions will be for acceleration from six months to two months, with rider training having been taken during that period.

Another proposal in the discussion paper was that, rather than accelerating this period, rider training perhaps function to accelerate this period, from 22 down to 18 months.

Here's the problem we have with that. The only restriction that a level 2 exit test will remove from a motorcyclist is the business about zero alcohol tolerance. So unfortunately, an examination to get your fully privileged licence after this 22-month waiting period will be seen to be a licence to drink and ride. That's a very awkward position for someone like me involved in riding education to be associated with: "“Here's your nominal advanced skills test. You passed it. Here's your licence. Have a drink.” It's a bit awkward and we'd rather not be seen to be accelerating the period during which you'd have to wait to drink and ride. Do you see what I mean? We would much rather that we be responsible for putting people on the road earlier and removing other restrictions on their licence but not the drinking restriction.

Are there any questions about that before I go on?

The Vice-Chair: We'll hold all the questions till you've finished your presentation, if you don't mind.

Mr Redekop: There are other recommendations that I make in the paper of somewhat lesser importance, but I do think it is essential that this committee recommend adequate incentives for rider training. We have an existing system in place that we think has been very successful: excellent penetration, widely recognized. We would hate to see any of that jeopardized, for whatever reason.

So please protect the Ministry of Transportation approved rider training site system, signing authority system: the ability for people to get training and to have some adequate incentive to do so; that being, earning their licence that much more quickly with fewer impediments from the ministry in terms of waiting periods, appointment times being booked up at the John Rhodes testing centre, that kind of thing. So that in a nutshell is my presentation.

1600

Mr Conway: Mr Offer once took the course, so I think we should let him tell us what it's like.

Mr Offer: Thank you for your presentation. One of the things in the first level is to refrain from driving on highways at more than 80 kilometres per hour. You haven't spoken about that. Does that cause you a problem?

Mr Redekop: Not at all.

Mr Offer: Okay.

Mr Redekop: No. In fact, that is not a change from the existing framework as far as we can tell. The R permit conditions will be identical to the level 1 conditions, except for the zero alcohol tolerance.

Interjection: You must have failed that course.

Mr Offer: Yes, I guess I should have known that. The best I can make out of the level 1 and level 2, as it applies to motorcycles, is that there is a restriction against drinking, basically, for the couple of years.

Mr Redekop: Yes.

Mr Offer: This graduated licensing, in so far as motorcycles are concerned and the speed limit, doesn't apply in terms of the seatbelts and all of those other things.

Mr Redekop: Correct.

Mr Offer: All this really does is say that for those with a motorcycle licence, there won't be any drinking for the period adding up level 1 and level 2.

Mr Redekop: That's right, and I have no problem with that suggestion at all. In fact, I think it's a wonderful initiative. It will have an impact on fatalities.

Mr Offer: Is your only concern that the first level is too short and that the first level should be increased while the second level should be accordingly decreased?

Mr Redekop: That's correct. One of the reasons for that change in emphasis on the time is so that rider training during level 1 is seen to be something that's highly desirable, because it will accelerate a passage to real privileges, ie, being able to ride on other highways, other hours of the day, possibly with a passenger.

Mr Offer: Thanks.

Mr Conway: Just a supplementary: One of the things, if I had a commercial instinct in me, I think—and as you probably heard me say, I support the general direction here—but this is going to be a boon for good driver ed schools, isn't it?

Mr Redekop: Yes. Not any different than it presently is.

Mr Conway: Why wouldn't it be?

Mr Redekop: Because now, if someone registers at a local community college in Ontario, they will, within that very weekend, obtain their full M licence, no restrictions on the privileges whatsoever. So within three days, they can pass from having written their basic written test to obtain their learners' permit to a full licence within three days. That will be a longer period. There will be a much longer break in the period for people to become acclimatized to the idea.

Mr Conway: So that's potentially more opportunity for the schools, isn't it?

Mr Redekop: For any rider training sites, yes, of which there are perhaps a dozen and a half in Ontario

right now and growing.

Mr Daigeler: Just quickly, why do you think in the ministry's proposal there's no incentive there to take such a course?

Mr Redekop: As I understand it, in the ministry's most recent proposals, rider training will only have the effect of reducing the 22-month waiting period in level 2 to—I think the figure's 18. Can anyone confirm that for me? I think it's 18.

Ms Murdock: Yes.

Mr Redekop: So rider training does not hasten the acquisition of some real privileges, such as over-80 and after-dark riding. It does only serve to accelerate the passage to the privilege of drinking, which is not something I'm particularly anxious to be seen to be supporting.

Mr Villeneuve: In that same vein, should we even talk about zero tolerance in this legislation?

Mr Redekop: I think it's a useful initiative. Alcohol is still involved in 50% of motorcycle fatalities, as it is for automobiles. They're very comparable, and anything that reduces public acceptance of that condition, drinking and riding, is something that we, as motorcycle safety trainers, are very much in favour of.

Mr Villeneuve: I know that certainly for a few parents, when junior bought the motorcycle it drove them to drink.

Mr Redekop: Perhaps you could cover that with legislation.

Mr Villeneuve: These statistics are most interesting because I certainly always figured that you pass motorcyclists or they will pass you in a lot of cases on the highway and they're going at well over the speed limit and there is nothing between them and the road except some leather britches.

Mr Redekop: Or shorts, in many cases.

Mr Villeneuve: Sometimes shorts, and it's amazing that these statistics—I appreciate your bringing them to this committee. You've given us food for thought. But again, it's rather interesting that all of a sudden within this legislation zero alcohol tolerance is no longer after the two years. I guess maybe we need to reinforce that, but it's amazing it would be mentioned. I just find it a bit of a dichotomy.

Mr Redekop: Yes. It's my entirely private guess that we will have zero alcohol tolerance for all vehicles at all times within 10 years in Canada, following the European model.

Mr Hansen: One issue you brought up was the point that 2% of the registered motor vehicles are motorcycles in Ontario, where it is almost 6% of road fatalities. The problem is, and I think you sort of brought it out, that when a motorcycle meets with a car, it's most likely the motorist on the motorcycle who is the fatality.

I have to say that I had an accident. I'm a motorcycle rider and have ridden since I was 16. I received a beginner's permit and I rode on the beginner's permit until I got a regular licence and drove with no insurance at that particular time. You paid \$5 and you had your beginner's. Maybe I'm a dinosaur in that, but the thing is that I've seen a lot of changes go on in motorcycling over the years. I know Mike would like to ask some questions too.

But the thing is, I had an accident. It wasn't my fault. My neighbour next door had an accident—it wasn't his fault—with an impaired driver of a vehicle, and I see more accidents happening on motorcycles where the other people have not given the right of way to the motorcycle. So you can't come forward and say that with the statistic of 6%—okay, maybe that's a true fact, but yet whose fault was the accident? A lot of cars do not give the road to the motorcycle and this is what the Bikers' Rights Organization is talking about. Could you clarify a little bit on that?

Mr Redekop: Certainly. I want to make it absolutely clear that the fact that there is that distinction between the 2% of registered motor vehicles and 6% of fatalities does not mean that motorcyclists drive three times as badly as car drivers. It just means that if they are struck they are more vulnerable, as you say. It does mean, though, that whether or not there are any motorcyclists at fault whatsoever, there's still room for training to improve those numbers. We teach, for example, defensive driving. We teach alertness to risk factors on the road. We teach people to use their mirrors and to shoulder-check. These are not things that are necessarily—I don't wish to acknowledge that motorcyclists cause their own accidents to any degree greater than automobile drivers do.

Mr Hansen: We've had this issue with the Bikers' Rights of wanting the month of May to distinguish that the bikes are back out on the road. One issue they bring up is the size of the bike. In other words, what's happening right now is that someone can go in with, say, a 125 cc bike, pass the test, go down to the licence bureau and say, "I've got a qualified licence," go into a motorcycle dealer and buy, say, a 1,000 cc or larger bike and never have ridden one before and decide they're going to take off on a trip someplace and they can't even handle the bike.

How do you see this in the regulations coming up on the size of bike? It's totally different than what we're talking about on the graduated licensing, but should there be graduated licensing on the size of the bike also, that you have to qualify as you go up?

Mr Redekop: I would say not. I know it is part of the system of many other graduated licensing regimes that you graduate from one motorcycle engine size to another. But I find that undesirable from several points of view. First of all, it distorts the market. In Britain,

for example, where there is a system of graduated engine sizes, there is an exaggerated premium on small motorcycles, a very limited market as a result for large motorcycles, and it's just not a kind of messing with the market that I would want a licensing system to be seen to be responsible for.

Further, there's a famous study from California called the Hurt report, which will no doubt be cited to you in motorcycle statistics, that there's actually an inverse proportion between the size of the motorcycle, the size of the engine and its likelihood of being in an accident. The reason for that, presumably, is that motorcyclists self-regulate. As novices, you ride a small bike. You're more likely to get into trouble, not because the bike is small but just because you happen to be inexperienced and have chosen a small motorcycle to start with. By the time you are experienced, you've graduated to a large Harley or a large Japanese touring machine and you're less likely to have an accident. So the engine size is not a good predictor of whether or not you are at risk.

I appreciate your scenario, though, which is a 16-year-old having been tested on a 50 cc machine and takes away a large muscle bike from the showroom. It's a situation that is fraught with peril, but I don't see that a licensing system attacks that problem efficiently.

Mr Klopp: With regard to that, you mentioned that in England they have some form of cc-graduated thing with motor size. You stated then clearly for the record here that there's actually a study to show that really isn't stopping accidents in the system, this report from California.

Mr Redekop: I cannot say that it hasn't worked in Britain. I can only say that the study in California showed it.

Mr Klopp: That's my question. Why do they believe in it in Britain? When did they bring it in, first off, and why is it working in Britain?

Mr Redekop: I don't know when it was brought in. My guess is it was about 10 years ago, and I know that there are a lot of motorcycle groups that are very unhappy with the results of that graduated licensing scheme there because it concentrates, in their opinion, on the wrong risk factors. Engine size is not a risk factor; attitude and alcohol are risk factors, not the mechanical parts of the equation.

Mr Klopp: Okay, I think it's important for us to talk about that. I appreciated the time to put that on the record. I do agree with you, because I've got a young kid up the road who has a little 250 and he drives it like daylight. It's bouncing all over the place. You hit a tree with it or you hit a tree with a 500 cc, I don't think the tree knows the difference and neither would he, but I could be wrong.

The Vice-Chair: Mr Redekop, I am a graduate of the Conestoga College motorcycle training program, and part of that program does teach you things like the proper wear, the proper helmets and the proper handling of your machine so that if you do get involved in an accident, you're more protected, obviously, with leather and boots and the proper helmet. You're more likely to survive an accident than people in shorts and sandals you see every day.

I really endorse these programs and I thank you on behalf of the committee for coming and giving us your presentation today. I hope you will follow the proceedings of the committee.

We are adjourned until 10 o'clock tomorrow morning.
The committee adjourned at 1614.

CONTENTS

Tuesday 7 September 1993

Graduated licensing	R-249
Young Drivers of Canada	R-249
Peter Christianson, president	
John W. Bower III	R-254
Road Safety Educators' Association	R-258
David Baker, vice-president	
Sue MacNeil, president	
Concerned Chief Instructors of the Canada Safety Council Motorcycle Training Programs in Ontario . . .	R-266
Don Redekop, representative	

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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 - Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Dadamo, George (Windsor-Sandwich ND) for Mr Waters
Daigeler, Hans (Nepean L) for Mrs Fawcett
Hansen, Ron (Lincoln ND) for Mr Gary Wilson
Runciman, Robert W. (Leeds-Grenville PC) for Mr Jordan
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr Turnbull

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: McNaught, Andrew, research officer, Legislative Research Service



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Official Report of Debates (Hansard)

Wednesday 8 September 1993

Journal des débats (Hansard)

Mercredi 8 septembre 1993

Standing committee on resources development

Subcommittee report

Graduated licensing

Comité permanent du développement des ressources

Rapport de sous-comité

Délivrance graduelle des permis

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STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 8 September 1993

The committee met at 1010 in the St Clair Room, Macdonald Block, Toronto.

SUBCOMMITTEE REPORT

The Chair (Mr Bob Huget): Good morning. I'd like to give a report of the subcommittee as the first order of business.

"The subcommittee met on Thursday 26 August 1993 and Thursday 2 September 1993 to discuss the committee's agenda on graduated licensing system.

"Originally, the subcommittee had agreed that the committee would not meet on Tuesday 7 September 1993, but after reviewing the response to the advertising, the subcommittee decided that witnesses would be scheduled for that day. The ministry briefing for the morning of 8 September remained unchanged.

"The subcommittee agreed that the committee will only travel to Ottawa and St Catharines because the response to the advertisement did not warrant other travel.

"The subcommittee agreed that the Insurance Bureau of Canada would be asked to appear as the first witness after the ministry briefing."

Could I have a motion to adopt the subcommittee's report?

Ms Sharon Murdock (Sudbury): So moved.

The Chair: All those in favour? Carried.

GRADUATED LICENSING
MINISTRY OF TRANSPORTATION

The Chair: The first order of business this morning is the Ministry of Transportation. Before we get into that, I thought what we would do, if it's agreeable to you, Mr Turnbull, is have an opening statement from the parliamentary assistant and then opening statements from the opposition party and the third party critics and then move to questions and answers. Agreed?

Mr George Dadamo (Windsor-Sandwich): I'd like to think that we have a pretty good working relationship with Mr Turnbull, who is the critic for the Conservatives in Transportation, and also Hans Daigeler, who's the Liberal Transportation critic. I'd say at the outset that I'm sure that following these public hearings, we'll have many a meeting where we'll get a chance to further discuss graduated licensing so we keep the doors open for you.

Members of the committee and ladies and gentlemen, we are meeting this morning for a truly worthwhile purpose: to reach a consensus on the details of the government's proposed graduated licensing system for new drivers.

Graduated licensing has the support of most members of the Legislature as well as the overwhelming support of a vast majority of Ontario residents. Support has grown significantly during the past few years.

We are not here to debate the merits of graduated licensing or to discuss whether or not such a system is needed. The collision statistics on our roads and highways serve as a grim reminder of the pressing need for strong and effective action. I would like to quickly review some of the reasons for introducing the new licensing system.

In 1991, the Ministry of Transportation issued more than 350,000 licences to new Ontario drivers. Some 45% of those new drivers, more than 150,000 people, were between the ages of 16 and 19.

As members know, traffic collisions are the leading killer of Ontario residents between the ages of 16 and 24. Indeed, crashes take the lives of twice as many young people as suicide and five times as many as cancer. Drivers between 16 and 24 represent about 16% of the province's six million licensed drivers, yet they account for 25% of all drivers killed.

At the same time, statistics show that all new drivers, regardless of their age, are far more likely to be involved in serious or fatal collisions than drivers with more experience. Studies have concluded that it takes between two and five years of driving experience to develop all the skills and the judgement needed to avoid collisions. The government's graduated licensing model responds directly to these problems and concerns. As you know, the proposed new system is designed to grant driving privileges gradually during a new driver's first two years on the road.

But rest assured that we do not propose these restrictions lightly. In 1991, more than 1,000 people were killed in car crashes and more than 90,000 people were injured. In the past 10 years, automobile collisions have resulted in more than 13,000 fatalities in Ontario. The government believes that graduated licensing will help save many of these lives. In New Zealand, fatalities among drivers under 25 were reduced by some 13% when a graduated licensing system for that age group was introduced in 1987.

We are convinced that the system will save millions of dollars in insurance costs, health care expenditures and costs related to lost time at work and school, not to mention the costs associated with the human tragedy of motor vehicle crashes. Indeed, the total cost of road collisions in Ontario has been estimated at some \$9 billion a year. This, then, is the situation that we are

here to address: We have overwhelming statistical evidence that new drivers pose a serious safety threat to themselves and to others. We have further evidence that new drivers' lack of experience involves a heavy cost in lives and money, and we have proposed a new licensing system designed to address these problems.

Let me briefly review the main elements of the proposed new system. Under our graduated licensing model, all new drivers will enter a two-level process that lasts a minimum of 20 months. In level 1, new drivers will have to earn driving privileges as they gain experience. New drivers will only be allowed to drive cars, vans and small trucks and will only be allowed to carry as many passengers as there are seatbelts in the vehicle. New drivers will only be allowed to drive when accompanied by a fully licensed driver with at least four years of experience who has a blood alcohol level of less than 0.05%. New drivers will be required to maintain a zero blood alcohol level. New drivers will be restricted from driving between midnight and 5 am, will not be allowed to drive on 400-series highways and some multi-lane urban expressways and new drivers will be required to display a vehicle sign that identifies the operator as a new driver.

Level 1 will last for 12 months, but new drivers will be able to reduce this time by four months if they successfully complete an approved driver education course.

These restrictions during the first year on the road are designed to provide new drivers with a safer learning environment. At the same time, the restrictions will help reduce the increased risk new drivers represent for all others on the road.

To enter the second level of the graduated licensing system, all new drivers will be required to pass a basic driving test with a government examiner. This test will ensure that all drivers who move on to level 2 have achieved basic competence on the road and that they can operate a vehicle safely in normal driving conditions.

During level 2, new drivers will have more privileges. However, both the blood alcohol restriction and the limit on passengers remain in effect. The level 2 period will last a minimum of 12 months. At the end of level 2, drivers will have to pass a second, more advanced driving test to demonstrate their ability to recognize more dangerous driving conditions and of course to take appropriate action.

As you know, the government has proposed a graduated licensing system with similar restrictions, conditions and time limits for all new motorcycle drivers in the province.

We plan to introduce graduated licensing legislation in the fall session of the Legislature and to implement the new system by spring of 1994. As I said earlier,

graduated licensing has overwhelming public support and the support of all parties in the House. This committee work will provide input to refine the proposed model. The hearings will give interested groups and individuals an opportunity to comment on and participate in the final design of this important new program. A tremendous amount of work by the Ministry of Transportation has resulted in a model that is balanced, fair and thoughtful and which I know will improve highway safety.

During these hearings, our challenge is to listen carefully to expert witnesses who will come before us, to reflect on the public's comments and the concerns about our graduated licensing model. Our task is to improve upon this model if and when it warrants.

In my view, we also face a second major challenge. That is to demonstrate to the public that their elected representatives have the collective vision, the leadership and the wisdom to act cooperatively and effectively in the public interest, to balance the need for enhanced safety of our residents without unduly restricting public mobility.

1020

Next week we travel to Ottawa and St Catharines. There we'll have the opportunity to demonstrate our shared vision and our commitment to increasing public safety.

As a committee we have the opportunity, indeed a responsibility, to take action together in the larger public interest and to make recommendations that will help the government to write legislation enabling graduated licensing to become law in Ontario next year.

The government is sincere in its desire to protect the lives of the people of Ontario and to make the province's roads the safest in North America. Graduated licensing is an important step along the road to achieving that vision.

We have John Hughes from MTO here this morning, who is the director of the safety policy branch; as well, Paul Levine, manager for the road user safety policy office, and Bob Domoney, manager of new business development office, who will take care of the driver examiners' training portion, any systems changes, operational and some of the final details. After the critics have their say this morning we will be able to go to the three and you'll be able to direct questions to either the three or to myself.

Mr Hans Daigeler (Nepean): As I indicated yesterday, since we had a few hearings already, it's somewhat unusual, but be that as it may, I welcome, first of all, the initiative itself of introducing graduated licences. Secondly, I welcome the public hearings, that we have an opportunity over the summer to go out somewhat across the province, not as much as I would have hoped for, but nevertheless we provided an opportunity to the

public to be heard. So I welcome that and I look forward to some exciting ideas. In fact, yesterday, I think already we've had some very excellent submissions, and I'm sure it will lead to further improvements of the project that's under way.

I must say I'm a little bit taken aback by the rhetoric of the parliamentary assistant. I understand—I was parliamentary assistant myself at one point—that one has to put the best light on the government's projects one can, but if the government was so committed and so keen to do all of this, there's still the question out there—and the key question out there—as to why it has taken three years to come in, finally, with this project.

I'm sure the parliamentary assistant is well aware that when we were in government, this matter was very, very close to being brought forward to the Legislature. I'm on record myself at the time of having asked our own minister about such an initiative and he indicated in the House that the matter was very close to being submitted to the Legislature. Of course, we had an election then and obviously that changed things. We've been waiting now for three years to, as it were, revitalize that whole approach, so I would say, "Better late than never," but nevertheless I wouldn't mind some comment from the parliamentary assistant as to why it has taken three years, what the delay has been to bring that forward.

I do have a number of questions and perhaps I'll just sort of put them on the record and we'll see how they can be answered either later on by the parliamentary assistant or by the staff. Some of these questions were raised yesterday already, and I look forward to some sort of a response. For example, what is the reasoning that there should not be any highway use? We had several people mentioning yesterday that highways seem to be almost the safest roads that we have, so why are we prohibiting these novice drivers from learning on the highways?

Exemptions: There doesn't seem to be any room for some exemptions. Perhaps we'll hear more from rural people who may have a requirement for some exemptions. I noted that in some of the examples from other countries, there were some exemptions provided. I'm just wondering why none of those was considered by the government.

There is that question of the mature immigrant. There was an article in the Toronto Star. I think the assistant deputy minister wrote back to the Star and gave an explanation, but nevertheless I think it would be good for the record to state again how this graduated licensing program will affect the mature immigrant.

Yesterday, in my own questioning of the witnesses, I already pushed quite a bit on this second test, on the advanced test and what it actually is going to entail. I would like to hear how far the ministry has gone in the development of this and who's been involved in it.

Again, yesterday we had some presentations with some people being involved and others not. I'd like some explanation of that.

Also, I would like to know—perhaps the parliamentary assistant might be able to answer that—how this document was distributed by the government, and secondly, whether the questionnaires that are part of this document have been returned already. I don't know whether this is still under way. If there is already a report on what has come back, I would like to hear what it is that people are saying as part of the questionnaire that is included in this document.

One item, frankly, that in reading all this material I was glad to come across and I think ought to be highlighted much more, because it's a very serious matter, is the fact that if young drivers or new drivers violate the provisions of these regulations, they are not covered by insurance. That obviously is a very significant matter. I don't know exactly what the conditions are under which one is not presently covered by insurance, but frankly, first of all, I'm wondering whether that has to be, and secondly, if that has to be, how we can make people more aware of this. That's most significant if all of a sudden there's no insurance coverage for anybody who may drive after midnight, in violation, mind you, of the regulation. But to go to the very serious step of all of a sudden not being covered by insurance, I would like some clarification on this and obviously I'd like to have that discussed at length.

Again, we'll get an opportunity, I'm sure, to hear from the ministry officials on this idea that was put forward yesterday of the novice peers, and also this idea that somebody ought to be free of felony charges for 18 months before they can apply for a licence. I'd like some reaction from the ministry or the parliamentary assistant on how they view these proposals, which really struck me as very interesting, the reason for the L sign in the car, and is there something that will incite the regular drivers to drive more aggressively or will it lead us, as we obviously hope, to respect the new drivers more?

These are some of the questions that came to me when I read the material. They were brought up yesterday, and I look forward to hearing some answers either from the parliamentary assistant or the ministry officials. But again I'd like to say I do think this initiative is worthwhile. I've had calls, both before the government in fact announced this initiative and after, in my constituency office from people in my area who have been asking for this. There have been unfortunate, serious accidents in my area in eastern Ontario where young people have been involved in some very tragic accidents. If this is one way to cut down on the serious problems that arise through these accidents, I would certainly be supportive of it.

Nevertheless, this doesn't mean that we should just

stampede into the initiative. We want to take a careful look at it, and I'm glad that this committee is doing this.

1030

Mr David Turnbull (York Mills): This is rather a delightful occasion for me to be sitting on a committee that I don't think will be controversial in terms of one party set against another. Most of you know that I have probably been the leading proponent of graduated licences in the Legislature.

I want to cast my mind back to the time that I became very focused on this issue, and sitting in the audience is Sue MacNeil, who certainly brought this issue very forcefully to my attention. She has been a great proponent of the system, and the Insurance Bureau of Canada, which is represented here today too, has done excellent work in terms of proposing this as a way of saving lives.

We particularly tend to speak about saving young lives because it is the leading killer of young people between the ages of 16 and 24. There will be some concern expressed as we go around the province. I pushed that we have as broad a consultation as possible, and in fact we're only going to two locations simply because there weren't sufficient people from those other locations who expressed a desire to be heard. The few who have will typically be brought into Toronto, so it isn't that they will be ignored; they will have their opportunity to be heard, but at not so much cost as moving the committee.

The experience in New Zealand has absolutely proven the worthwhile effects of implementing a graduated licence system. My own suspicion is that probably we're being a little bit too, dare I say, conservative in our approach to this graduated licensing system and that perhaps there could be some more teeth in it.

However, we will hear, as we go around the province, the concern of rural residents, that it will restrict the ability of children who live on farms to be able to get to work or to education, and perhaps we might consider some amendments to allow for them to be able to move around. However, we must be very aware that some of the worst crashes occur in rural areas because of the lack of organized transportation, and we all have heard stories of field parties, where there's terrible carnage after these parties. We will have to look very seriously at the question of whether zero per cent blood alcohol is not required with the accompanying driver, and I suspect that we will probably get into very rigorous debates. My colleague Bill Murdoch will be very much present in terms of representing the rural aspect of getting people to and from work and to their education spots.

I do have the concern that perhaps allowing the number of people in the car that there are seatbelts for allows for three people to be sitting in the front of a car.

This, I suspect, is not a good idea in the learning experience, and perhaps we can have a discussion about that.

There will be the question that I will be asking the insurance bureau, the police and the ministry as to enforcement of this law. It's not much use our enacting the law if it's just going to be something which sits on the shelves and is there as window dressing. We must make sure that we are protecting the people whom we're saying we're protecting; otherwise we're wasting our time.

Will the insurance companies, for example, withdraw insurance from those people who are found in violation of the graduated licensing system? We have to ask that question, and we must have probing discussion of what exactly will be the advanced driving test. Will it ensure that our drivers, our new drivers, are ready to meet the challenges of the very difficult Canadian driving conditions, which vary from time to time in the year so completely.

I encourage the committee to look very favourably on the question of having a learner sign on the back of a car so that, first of all, for police enforcement it is easy, and those people who are found to be driving without a learner sign, I would suggest that we should pull their licences from them.

The objective is to protect lives, not just the lives of the young people we talk about so much but any new drivers, and in fact any driver who may be involved in an accident as a result of new drivers being on the road.

Very often we take for granted the fact that everybody's experience when they get behind the wheel for the first time is the same. It isn't. Many people who come from other countries, particularly Asian countries, are not used to being in a car with parents, because in many of these countries they are so densely packed that it isn't worthwhile to have a car. So, consequently, we must reflect on the fact that since childhood we have been learning to drive beside our parents, even though we didn't realize it. If somebody has not been in that circumstance, he hasn't had the same driver's experience and we must make sure that we put him on the road in a more safe manner.

I'm delighted that the government is moving forward on it. I will say I'm sorry that it didn't move more quickly, but here we are today. Let's move ahead and let's make sure that we make our roads safer.

The Chair: It's interesting to note that all committee members have expressed that indeed this is something that is in the public interest and a public safety issue and have expressed the desire to work cooperatively, and I hope that's the case. That's all very much in each of your hands.

Mr Dadamo, do you have ministry people you wish to bring forward?

Mr Dadamo: I do. I'd like to introduce to you John Hughes, director of safety policy branch; Paul Levine, manager of road user policy office; and Bob Domoney, manager of new business development office. They will answer questions, should you have any, regarding the driver examiner's training, any of the system changes, operation etc.

If I'm permitted to, I'd like to answer a couple of the questions from Mr Daigeler.

The Chair: Before we get started on that, if the committee agrees to 20-minute blocks of questioning and the normal rotation, we'll proceed that way. Agreed?

Mr Daigeler: I was just wondering, are the ministry officials giving us some sort of a presentation as well?

The Chair: Did you want to make a presentation?

Mr John Hughes: I had planned to, yes.

The Chair: Then we'll proceed with whatever the ministry has in terms of a presentation and then move into the questioning as I outlined.

Mr Hughes: Good morning, ladies and gentlemen. As was mentioned, I'm the director of the safety policy branch for the Ministry of Transportation. We've been involved for about four years now in the policy development aspect of graduated licensing. I'm very pleased to be here this morning to share with you some of our thought process that has gone into the development of this proposal.

I'd just like to emphasize from the outset that over the four years, we've looked at many variations and combinations of restrictions that could possibly make up a graduated licensing proposal. There's been a lot of consultation. It's taken a while. I think it's compounded by the fact that there are six million driving "experts" in Ontario and everyone has his own ideas and suggestions when it comes to dealing with the sacredness of the driver's licence.

As I say, it's been a fairly lengthy process and fairly laborious. But I think at this point the policy staff of the ministry are convinced of three things for sure: (1) that this is a good proposal from a road safety point of view; (2) that it meets Ontario's needs, as expressed to date, in balancing the safety considerations of the proposal with the mobility needs of the province; (3) that it has broad public support as a concept. Although there will be concerns over some of the pieces of the proposal, there is broad public support for the proposal itself.

1040

Have the copies of my presentation been handed out? Okay. I'm going to try to move fairly quickly through most of this presentation, and I'd like to try to focus on and emphasize a couple of things as I go through it.

First, the integration that's involved in the graduated licensing proposal: It's an integration of a lot of different potential solutions. We've tried to take the best of

a number of possible solutions to the new-driver problem and put them into an integrated package.

Secondly, rather than just run through the details of the proposal, as has been done already today, I would like to try to rationalize for you some of the key elements of the proposal, why it looks the way it does and why we've arrived at where we're at with this proposal, so that at the end of the morning the committee members will, hopefully at least, understand why, from the ministry's point of view, the proposal contains what it does in the shape that it has. Even if you don't necessarily agree with every piece of the proposal, you will at least understand the thought process behind it.

The problem, and why there is a problem: You've heard, I guess, a lot of statistics, and there are some fairly startling statistics on this page of my presentation. I won't emphasize those again. In terms of why there is a problem, we feel that first and foremost we've got a driver inexperience problem with new drivers in Ontario, and this is the biggest contributing factor to the problem. New drivers of all ages show up in the statistics at an alarming rate, so that we think driver inexperience is the main culprit here and the main problem that we're trying to solve.

A secondary factor, we think, among younger new drivers is the additional factor of the propensity to exhibit risk-taking behaviour. That compounds the new-driver problem when the new drivers are younger.

The challenge we faced in doing the policy work was to find an appropriate solution which balanced safety and mobility for the needs of the province. We looked at a number of solutions, more than are shown on this page, but I thought I would just deal with these since these are some of the more popular solutions that are put forward.

Raising the driving age is often suggested. As I said, inexperience is the problem, and raising the driving age really just postpones the problem of gaining driving experience. This is the main argument against just simply raising the driving age.

Mandatory driver education is often suggested. Cost considerations and availability considerations over the whole province are a bit of a problem with mandatory driver education. Research shows that driver education works best when it is more or less voluntary. It may be of interest to the committee to note that in the province of Quebec a short time ago they did introduce mandatory driver education and, after some experience with it, decided to withdraw the requirement for mandatory driver education because of the inability to show that mandatory driver education had a perceivable effect.

Earlier interventions and different treatments under the demerit point system basically are suggested as a reflection that the probationary system we currently have is not working and that doing this would actually

treat the learning problem. We have incorporated some of this idea into the proposal that we put forward.

Tougher driver licence testing is a common suggestion as well, and of course we do have as part of the proposal a tougher driver test at the end of the second level.

Of course, graduated licensing, which is generally understood to be minimum time periods and restrictions on the type of driving that can be done during learner periods, is another popular solution.

We feel we've taken an integrated approach here, mainly focusing on graduated licensing but working in, where reasonable and practical, some of the elements of the other alternative solutions that were considered.

What is graduated licensing? I guess in the simplest terms it's a walk-before-you-run approach and, we feel, an approach which is compatible with the idea of learning to drive as being a learning experience like any other thing that we learn to do in life. We feel that there is a learning curve and that the walk-before-you-run approach makes sense from a commonsense point of view.

Some of the basic philosophy behind graduated licensing: You've heard already that it is a two- to five-year learning curve to become a fully accomplished driver. You've heard that we want to encourage a lot of practice and experience under conditions of low risk.

Our proposal also recognizes that novice drivers will make honest mistakes of learning, and we wanted our proposal to treat those mistakes of learning in an educative way rather than to punish.

I think one thing that isn't said often enough, and it's hard to prove, but we feel that a learner-driver who goes through a proposal something like this will, at the end of it, have had to earn the privilege of driving. We feel that will, long-term, produce a more responsible outlook and sense of responsibility towards the driving task. Again, very difficult to measure and prove over the long term, but we feel that we'll produce a better set of drivers for the province.

The basic pieces of the graduated licensing proposal: Minimum time periods are there, as I say, to encourage practice. Again, these major elements of the proposal are a balance of safety and mobility. We know that the learning curve is two to five years. The proposal is structured to the low end of that two to five years in terms of the minimum time periods required. But as I say, there is no minimum time period under the current system, and we feel that we want to encourage practice and experience under those controlled risk conditions.

More than one level: We have two levels in our proposal, and the whole proposal is based on the gradual removal of restrictions as performance criteria are met. This is in some ways the same number of levels we have now, although the levels are quite

different in their structure. We have now a 365-day learning licence, followed by a probationary period. But of course the two systems are completely different, other than the fact that we have two levels.

We could have gone higher in terms of the number of levels. The Australian one I think had at least three levels initially, but again, we're trying to balance safety and mobility and we felt that two levels administratively and practically were the right balance.

I'll get to the restrictions in a little more detail in a moment.

The link to driver education and the incentive: As I say, we feel very strongly that driver education is important and that if it's undertaken on a more or less voluntary basis and a willing basis, it tends to be more effective.

We do have penalties for violations of the restrictions. As I say, I'll get back to this educative-versus-punitive philosophy. We feel that violations of restrictions are not mistakes of learning. They are perhaps a symptom of errors of attitude, and we feel that it's warranted to penalize violations of the restrictions through suspensions and/or extensions of the minimum time periods.

1050

Just flip through level 1 and level 2 and sort of focus on the restrictions that we've put in the proposal and some of the rationale behind them.

Accompaniment: The accompanying driver, under the proposal, must have four years' driving experience and drive with a BAC, or blood alcohol concentration, of less than 0.05. This is a fairly tough restriction, but we feel it's a crucial one. Under the current Ontario licensing system, there are really no conditions or requirements in legislation or regulation of the accompanying driver. We feel that the accompanying driver is there to be a combination coach-trainer and another driver who can be there if a situation arises that can't be handled by the learner-driver and those requirements of experience plus sobriety are very important.

The next four restrictions—the passenger limitation, the zero alcohol, the expressway restriction and the curfew—all have a fairly solid statistical basis in terms of our analysis of the collision data and the fact that these things show up as being fairly chronic problems or indicators when new driver collisions, injuries and fatalities are analysed. New drivers are overrepresented in multipassenger collisions. Alcohol shows up as being a contributing factor in much more than the normal rate among new drivers. The midnight to 5 am hours are, again, overrepresented when we analyse new driver collisions.

The passenger limitation really is a compromise. The limitation to the number of seatbelts has been criticized as we've gone forward with this proposal, but again, it's

seen as sort of a balance. What we really wanted to do was not discourage a person from driving when, say, the family is on a get-together, on an outing for the day. It's a good opportunity for the learner-driver to be accompanied by mom or dad and to get valuable experience and practice under those conditions where there may be a number of passengers in the vehicle.

The zero blood alcohol really is just a recognition that learning to drive and the consequences of learning to drive should be done under completely sober conditions. I guess when we look at the fact that 60% of new drivers in Ontario are in the 16- to 24-year-old range, those folks are beginning to come to grips with learning to consume alcohol at the same time, and learning the consequences of consuming alcohol. We feel that learning to drink at the same time you're learning to drive is a bad, deadly combination; thus the zero BAC. I might add that in all the four years of consultation that we've had, I think this is the one thing that really has gone unquestioned as a possible restriction and also is probably in all of the other graduated licensing proposals and models around the world.

The restriction from the 400-series highways: Again, we've had a lot of discussion on this. I understand it came up in discussion yesterday and I've heard the comments today so far. Basically in terms of collision rates, freeways, 400-series highways are fairly safe from a collisions per kilometre driven point of view, but this restriction really recognizes a couple of things.

First of all, these are the highest-speed facilities in the province, and it's very clear statistically that the greater the speed, the greater the severity of the consequences of a collision. So what we're really doing here is recognizing that among new drivers on expressways, we know that they have a greater probability of collision even though the probability of a collision on a freeway is less than somewhere else for a new driver. But we do know that the consequences of those collisions will be severe, and thus the restriction.

We have looked at a number of other ways of dealing with this speed angle, but what it really came down to is, if you put a posted speed limit restriction, say 80 kilometres or 90 kilometres, we're dealing in those situations with lack of available alternatives for getting experience and practice. A lot of people live on facilities that have 80-kilometre or 90-kilometre speed limits. So there would be really no alternative available. With the 400 series of highways, there is always an alternative way of getting from A to B, rather than taking Highway 401 or Highway 400 or whatever.

The curfew, midnight to 5: Other proposals have had after-dark curfews. We felt for Ontario midnight to 5 was a reasonable compromise and statistically sound in terms of the safety needs.

The special marker or the special sign for the learner-driver: The main advantage here is to alert other drivers

to the fact that a learner-driver is at the wheel. A lot has been said about the ability to enforce and all the rest of it. We think the main value here is to alert other drivers.

I can just share a personal experience. I have a 20-year-old and a 16-year-old right now who are in their learning driver period this summer, and having taken them out a few times to get practice and experience, especially in the initial stages of learning, I was not that keen on this particular restriction, to be quite honest, but I found there would be a lot more comfort level if there was some way of the driver behind especially knowing that there was a learner-driver at the wheel, because you encounter situations where the driver behind gets very impatient, starts honking the horn or doing something and it makes both the learner-driver and the accompanying driver very edgy and it's a very difficult situation, particularly, I would say, in the first few months of experience. So I think it has value from that point of view.

Level 2: Once the learner-driver has spent 8 or 12 months, depending on whether they have driver education at level 1, and once they can pass a basic road test, identical to the one we have now, they will graduate into level 2, where for the first time they can now drive unaccompanied and the restrictions are far fewer in number. Basically the zero BAC and the passenger limitation and the vehicle restriction remain.

If I can just refer to a couple of things that I gather came up yesterday, I forgot to mention in level 1 the freeway restriction, the 400-series restriction. I gather there was a suggestion that this restriction should be waived if there is a trained driving instructor as the accompanying driver, and indeed our regulations as we've drafted them do allow for that. I just point that out to the committee.

In level 2, the vehicle restriction, the regulations have been drafted, again in response to something I gather came up yesterday, to allow the class D farm vehicles to be driven in level 2.

At the end of level 2, and another minimum one-year time period, the learner-driver will be asked to pass an advanced road test, which is being developed currently, it's in the process of being developed, where the emphasis will be on a higher level of driving skill as well as risk and hazard perception. I know that's going to come up in the question period and perhaps I can deal with some of the questions you might have on that then.

1100

Just to share with you some of the consultation we've had to date, there is some criticism that level 2 is not tough enough. There is perhaps lack of sufficient incentive to try to get out of level 2. I think there are several answers for that, not the least of which is the possibility of an insurance incentive to get out of level 2. It seems quite reasonable to me that at the beginning

of level 2, when learner-drivers are starting to drive unaccompanied for the first time, there would be an insurance premium adjustment to reflect that. But it also seems reasonable to me that at the end of level 2, when the advanced road test has been passed and the learner-driver has satisfied very positive performance criteria, there should also be an insurance adjustment downwards at that point. It seems that's a reasonable hook and incentive to require the learner-driver to want to get out of level 2.

I won't deal with the motorcycle model because I think I'm probably running on a little too long here, but it's a parallel system for the insurance model. If you have some specific questions on that, we can answer those.

The question of the mature immigrant driver came up. I just wanted to point out here that our model does allow for experience from other jurisdictions and for an immigrant driver to fast-track through the system. It's a fairly detailed proposal, but what it boils down to is, if an immigrant driver has two years' experience from another jurisdiction, there will be a mechanism for them to try the advanced test immediately and proceed into full licensure if they pass it. If they don't pass it, they will be allowed to retest it at will until they do pass it. If they don't have two years' experience, they will be slotted accordingly into the graduated licensing system.

A couple of other features of the proposal: I've identified already that problem driving, ie, learning mistakes, will be identified and treated with an educative approach, that violations of the conditions of the graduated licensing will result in a suspension and that we've got the two levels of tests to ensure a higher calibre of driving skill coming out of the system.

There are graduated licensing systems in Australia and New Zealand and very modified ones in a couple of states in the US. Nova Scotia is currently conducting consultation as well on a proposed graduated licensing model. There are variations on the theme in all of these jurisdictions, but they all have at least two levels. They all have minimum time periods and they all have a number of restrictions. There are differences, but I think, in summary, our proposal is tougher at level 1 and probably less tough in level 2 than those other jurisdictional models. I can get into more detail if you wish during questions.

I guess I'd just like to summarize by saying we do think we have a good balance of the safety needs and mobility needs of the province in this proposal. We recognize that there can be a lot of tinkering and a lot of fine-tuning of the proposal and we look forward to any recommendations the committee may make.

Just one last thought, though, is that what we go forward with does not need to be etched in stone. We recognize that we need to keep a close eye on what we put in place, see how it's working and adjust and fine-

tune it over time as necessary to meet any problems or weaknesses that may become apparent in our evaluation of the system on an ongoing basis.

Mr Steven Offer (Mississauga North): I'd like to just start with a few questions. Thank you for the presentation. To begin, the regulations that we have before us, and I've just taken a quick look through them, appear to be a tad broader than just dealing with graduated licensing. It deals with existing licensed drivers and changes in those rules. Is that correct?

Mr Hughes: Mr Domoney is our expert on the drafting of the legs and regs, but I believe anything that's in there is basically to undo the current system as well as put the new system in place, so there has to be a lot of reference back and forth. That may be why you perceive what you have.

Mr Offer: So basically the changes that we have before us are all as a result of the graduated licensing system and not standalone changes for licensed drivers.

Mr Bob Domoney: That's mostly correct. There are some cases where we've done some housekeeping items. Whenever you go through a regulation, you always note that something might not be quite right. So just as with Highway Traffic Act amendments, there are sometimes housekeeping amendments. We've incorporated a couple of minor housekeeping items in the regulations. Also, the reason why it looks like it's much broader than it is is that in two of the regulations we've opted to revoke the entire regulation and replace it rather than go through a series of "amend section such and such" because it's just easier to read and you get a better understanding of the total regulation.

Mr Offer: Okay, thank you. Another question I have deals with the identification of the novice driver.

Mr Sean G. Conway (Renfrew North): Just before we move off that, we should not be concerned that there's anything but cleaning up minor little dustballs.

Mr Offer: Could we then maybe get some information? Could you just provide us, maybe in some written form in the next few days—we're going to be here for a couple of weeks—what those changes might be?

Mr Domoney: Of the housekeeping items? Yes. I think probably the most dramatic one relates to reciprocal licence exchange of driver—I think it's called driver examinations. That regulation was out of date, and when we looked at it to make changes for graduated licensing, we noted that licence exchange only deals with the class G vehicle. In fact, in Canada we exchange licences across the provinces for all classes on an equivalent basis, but the regulation doesn't recognize that, it's done through policy.

Mr Hughes: We will undertake to give you a list of the housekeeping items.

Mr Offer: Thank you. I know that my other colleagues have some questions on this, but I'd like to ask

one question, and that deals with the identification of the novice driver. I speak as a parent of three girls, 14, 10 and 7, and of course you might imagine that with the 14-year-old, I'm under some intense personal lobbying on this matter.

Mr Hughes: I can relate to that.

Mr Offer: In the realities of the 1990s, one thing you don't want to do is identify. As a parent, through streetproofing, we don't put labels with our kids' names on them any more. We don't have them wear shirts with their names on them. In the state of Florida they took away the identification as to rental cars.

I understand the purpose of graduated licensing. I would think the last thing anyone would want to do is to identify for others that there is a new driver in a car. I have a feeling that the potential problems far outweigh any benefit and I'm wondering, how can we identify to others that there is a new person, a young person, in a car when everything we are hearing today from police departments and what not is: "Don't publicize. Don't let your kid wear a name tag." You tell your kid not to talk to strangers, and then you plaster a name tag on them and then they call them by their first name. I have, I will tell you, some real concerns with this one area. I have some questions on others, but on this one area, how is it that we can justify this identification?

1110

Mr Hughes: I think I mentioned when I was going through this that I share some of those concerns in terms of the L sign, if you want to call it that. My experience, doing a little coaching with my own children, especially in the early stages, was that this was a good thing.

Perhaps just to clarify, the learner-driver sign will only be in the vehicle in level 1 when the learner-driver has to be accompanied. It will never be in the vehicle when the learner-driver is alone. At level 2 there is no requirement. There's always going to be at least one other person in the vehicle, an older person with four years' experience, so that may mollify the concerns a little bit.

Mr Offer: I can tell you it doesn't.

Mr Conway: I was going to ask a couple of questions. Again, I think the general thrust here is good and ought to be supported. I try to think of the world in which I grew up and in which I still live, which is rural eastern Ontario.

Mr Daigeler: Does it still exist?

Mr Conway: It does, surprisingly. It's hard to explain to people who live in urban environments, even in urban communities within that, just how important—people make this speech to me that driving is a privilege. I just want to scream. It's a bunch of crap if you live out in the bush. It has nothing to do with privilege; it's a necessity.

I had a constituent on the phone this morning and he had his licence taken away for all the right reasons, but he's got a 69-year-old mother who is blind and a 74-year-old father who is sick. We're trying to figure out a way now to deal with it, and it's a real problem. If that person lived in Owen Sound or Pembroke, I would have a whole series of solutions, but because he's in the bush up in the far corner of Renfrew, we've got a real problem.

I look at this and I say to myself, on the level 1, you're going to have to drive with zero tolerance of alcohol. I understand that. I think that's a highly virtuous thing to which to aspire, particularly in light of the data you've provided us with. But as I look at that, I think, has anybody at the Ministry of Transportation looked at Dr Schabas's recent data on the attitudes and behaviour of Ontario teenagers? Have you looked at that stuff? Everybody should, because it looks at a whole range of attitudes and behaviour for Ontarians between the ages of 12 and 19. I'll tell you, it's pretty interesting.

I'll cite the one I remember, which has to do with the sexual behaviour of young people in 1993, in the day and age of AIDS. I just look at that data and I say, holy smoke, talk about risk. I think of all the good things that governments have done through public education and all the rest of it, and this is the behaviour of a surprising number of people.

I look at this and I say that I don't want anybody driving under the influence of alcohol, but I just hope we all understand that there seems to be something in young people that really does encourage a level of risk-taking that is troubling. I just hope that as we legislate in this area, we understand that legislation may not be the total solution.

Mr Hughes: Could I respond to that one?

Mr Conway: Yes.

Mr Hughes: I certainly recognize what you're saying. I think the thing to remember with something like this graduated licensing proposal is that it's been tried, and worked, elsewhere, with basically the same enforcement umbrella scenario as in Ontario: secondary enforcement where the police are not really looking for young driver or new driver violations; they're simply noticing some driver behaviour, pulling someone over and discovering they're a learner-driver.

I think what you were getting at there was, would young people, would new drivers, obey the restrictions and conditions or would they tend to work on the edges? I think you have to recognize that a high proportion of people, if it's a law, obey it. With this proposal, recognize that a lot of the people who will have to abide by the conditions are young new drivers and don't necessarily control the keys to the vehicle themselves. There's another level of enforcement and that is the

people who own the car, the parents or whoever who pay the insurance premiums who will have to pay the piper if these people don't obey the conditions of the licence.

I think there's that extra level of enforcement with new drivers. There's also the fact that people obey the law. There's also the fact that similar systems have not been an enforcement problem elsewhere.

Mr Conway: I guess the second part of that question, then, has to do with the class G, where you've got to be accompanied by somebody with a minimum of four years. In many cases, I understand what you're getting at there and I support the rationale, although I can just imagine a whole series of situations where it's going to be impossible and where I think I would bootleg. I'd just say: "It's crazy. I'm a single parent. I've got two kids. They're on the high school basketball team. The school is three miles away, and there's a car here and these are good kids." What do I do? Where do I go to get this person?

Mr Hughes: There isn't a real satisfactory answer to that. I think the reasoning is, first of all, it's short-term pain for long-term gain. I'd just like to point out to you that now the current system requires an accompanying driver and we know two thirds of the people take driver education voluntarily. Anyone who takes driver education generally is at the having to have an accompanying driver stage for three or four months, so under this proposal we're talking about an extra four months.

Mr Conway: The problem with this, though, is that it's got a very real bias against my constituents living out in the country. I just have no answers for them. I can just see it. I've already got some mail and I don't know what I'm going to say to these people, these parents with these kids. There is broad support for what you want to do here, but you're just sitting there and you can just think about it. If you live in town or if you're—boy, if you're one of these kids out away from it, I think I know what you're going to do and I think I know what I'd do, acting responsibly but just not prepared to live with the unintended discriminatory impact of this provision.

Mr Hughes: You're emphasizing the rural and I understand where you're coming from. We've heard those arguments a lot. I live in Toronto and it's going to be difficult for me as a parent. I've heard the arguments from my two teenagers about the restrictions and how tough they are, but I'll just go back to the fact that it is eight months, or 12 months, minimum. Basically, you do the same thing, from a mobility point of view, the need to get around, when your kid is 15 years and 11 months old; you basically do whatever you do for another nine months.

As I say, I tried to emphasize, going through this, that we're making that tradeoff about the need to get around and the reflection that there are 350 16- to 24-

year-olds killed on our highways every year. As to where the balance point is, obviously there's a line that goes like this, and we've chosen here, and whether you choose here or here, it's a difficult call to say exactly what is the right balance. Having gone through four years of discussion on this and having dealt with lobby groups and the general public informally along the way, we feel we've struck that balance.

1120

Mr Daigeler: You referred to some figures on accident rates in relationship to the conditions that you've established. Could you provide us with those, a breakdown for the committee?

Mr Hughes: Yes, absolutely. We've provided the committee with the technical background paper. There's a chapter on statistics we'll pull together.

Mr Daigeler: I'd appreciate that, because you related them directly to the categories you have actually established.

Since we have limited time, I'd like you to address one issue that I really feel strongly about, and that's the insurance coverage. I was surprised when I went through your question and answer document. There was just this one half-sentence in there that said, "If you're in violation of any of these conditions, you are no longer covered by insurance." I'd like you to comment on that. That, I think, could cause some very severe problems.

Mr Hughes: It may be more appropriate to bring that up with the insurance folks who are on the agenda for this afternoon. I'm not aware of what you just referred to in terms of—

Mr Daigeler: Well, I presume the—

Mr Paul Levine: There is the reference, and I think it's just a gentle reminder that insurance coverage—

Mr Daigeler: Well, that should be more than simple.

Mr Levine: This doesn't relate necessarily to new drivers or graduated licensing, but all drivers are covered by their insurance policies only if they are working within the limits and the boundaries set. Those boundaries are that you are operating within the system, whether that system be that you're not driving when your licence has been suspended for demerit points or suspended for any other reason.

In the same way, whatever the conditions are that are imposed for holding your licence and driving a vehicle on the roads of Ontario, the only time your insurance policy covers you is when you are working within that system. Any time you are working outside of the system, the insurance company has protected itself by saying, "We won't cover you if you're not playing by the rules of the game." I think that's a fair way to do business, and I think it was included in our package just as a reminder that whatever the conditions are that are set, you have to play within the system or you're in

bigger trouble than just having a little collision or a little violation.

Mr Daigeler: Yes, and I understood that that was simply following through what exists for other occasions, and I look forward to asking the insurance industry about this.

Frankly, I just visualize some kid who is on the road at a quarter past midnight, is in violation of these conditions, has an accident and then the insurance doesn't cover it any more. What happens then? I'm not sure if you are the one to answer on this, but somebody will have to answer this because I think that is an exceedingly severe penalty for what may appear to be, offhand, a relatively minor infraction of regulations. I think that really is something we have to discuss further.

Mr Hughes: Anybody want to answer that?

Mr Domoney: Mr Daigeler, I think you should remember that in the case of the curfew, as we've proposed it, it covers level 1 only. One of the requirements in level 1 is that you must have an accompanying driver. If it's after midnight, you should switch drivers, so the dilemma shouldn't really occur.

Mr Offer: I'd like to get back during our hearings to this accompaniment and the impact. In the legislation, it says that there's a due diligence defence for the novice driver. What does that mean?

Mr Hughes: Basically, I think that's primarily to address the fact that we want to make the learner-driver responsible for obeying the conditions of the licence. For such things as making sure that you've got a sober, accompanying driver or a fully licensed accompanying driver, the due diligence defence is there simply so that the learner-driver, if they are charged with violating one of those conditions, can defend themselves on the basis that they did everything possible to assure themselves that indeed the accompanying driver was sober and had been licensed for four years and had a fully valid licence.

Mr Turnbull: First of all, I would ask you, what is the ability at the moment technically to calibrate breathalysers to be able to measure both 0.5% and also 0% alcohol?

Mr Hughes: We're getting into a fairly technical area here. First of all, the machines the police use now—I think they're back on the road now, aren't they?

Mr Levine: They are new devices for the most part that are being used that can be calibrated to a very low level. Absolute zero may in fact be a level that would not be achievable for acceptance by the courts, but a nominal zero would mean that we would be trying to detect the lowest possible calibration that would be supportable as evidence in court which I understand at this point can be down to something in the order of 0.002.

Mr Turnbull: Let me understand, at the moment you have a machine which is calibrated to one blood alcohol level, and you're either above that or below that, no?

Mr Levine: The device that's currently in use roadside is calibrated at two levels, and neither one provides a digital readout, it merely provides a pass, warn or fail signal. The warn calibration is at 0.05; the fail is at 0.10. It's based on the evidence gathered roadside that an officer would make the decision whether to have the individual taken in to the police station to actually undergo a breathalyser test, which provides a digital readout on a totally different device that requires quite high technical skill to utilize.

Mr Turnbull: Have we considered what is involved in terms of equipping the police for roadside testing for these now three discrete levels of alcohol testing?

Mr Levine: Yes, we have, and at the time that we conducted our initial analysis of the situation, it was before the difficulties that were encountered in the courts and we were proposing to introduce an additional device calibrated at the lowest possible levels that would still support the situation if we had to take it to court. Since that time, some of the devices have been questioned and we are now working with the Ministry of the solicitor General to determine precisely how we should go about it. The indication at this point is that some of the new devices can have sufficient multiple calibrations that we may be able to use one device with an additional calibration to measure.

Mr Turnbull: Moving on to this question I mentioned in my opening comments about limiting to one person beside the driver in the front seat, can you just give me some of the thinking that went into that, and what the police view is of allowing up to three people in the front seat, depending on the number of seatbelts?

Mr Hughes: I can't say that I can talk to the police view, but personally I think the one-passenger restriction in the front seat is a reasonable one. It's something that could be considered.

Mr Turnbull: It could be one passenger. We're talking about the accompanying driver when you're talking about the one passenger.

Mr Hughes: Yes, I don't think that's unreasonable. As I say, with the passenger limitation, we looked at all kinds of possible arrangements and ways of going at it, but for reasons of mobility, we settled on the seatbelt limitation.

One thing the seatbelt limitation does—in a normal car, you've probably got six seatbelts and you can have six passengers, including three in the front seat—is that it prevents people from sitting in the back of a station wagon or the back of a pickup truck while a learner driver is at the wheel. Neither of those things is illegal, as long as the seatbelt positions are occupied. The one-

passenger limitation on the front seat certainly has merit from a safety point of view. Again, it gets back to how tough or generous do you want that particular restriction to be.

1130

Mr Turnbull: I'm just hopping from one issue to another because these are some questions that have cropped up. Have you given consideration to the legislation requiring an accompanying driver in level 2 in those situations which are new, ie, 400-series highways and night driving?

Mr Hughes: I can't remember if we addressed or considered that exact suggestion, but we certainly have addressed and considered the question of having in level 2 a series of conditions under which accompaniment would be required and not required. We're back to where would we want to be on the spectrum, as well as it being fairly difficult to understand and administer. It's complicated enough the way it is, but then you get into a question of two sets of rules for level 2, and it becomes more difficult for the learner driver to understand, it becomes more difficult for the enforcement community to understand and enforce. So we arrived at where we arrived.

Mr Turnbull: Okay. The question of exchange licences: I see in your presentation that currently you've got the US, Japan, along with Canada. I'm rather surprised that you don't have, for example, New Zealand.

Mr Hughes: This is a recognition that we have entered into reciprocal licence agreements with those jurisdictions that you mentioned, the other provinces, the States and Japan. This is only after we have approached, we've had a mutual desire to do it, they have looked at our standards, we have looked at their standards, and we agree that our standards are compatible and fairly consistent. There's no reason that we can't extend that further; it's just that this has not happened on the broader licensing picture.

Mr Turnbull: Have there ever been any efforts by the Ontario government to explore that with other jurisdictions?

Mr Hughes: I'm not aware, but Bob Domoney may be.

Mr Domoney: Yes, there is a committee of all the Canadian provinces and territories called the Canadian Council of Motor Transport Administrators, and they recently made a decision, I believe it was last year, to approach the G-7 countries for reciprocal licence exchange. The first entry into that was Japan. The others will be proceeding at some unknown rate of time, but we will be doing it as a country, jointly with the other provinces, not unilaterally as Ontario.

Mr Turnbull: On the question of enforcement for violation, what measures would you contemplate taking

for somebody driving in violation of their graduated licence?

Mr Hughes: Currently, the proposal calls for a 30-day licence suspension if a learner driver is found contravening one of the conditions of level 1 or level 2. It has a dual effect: It suspends them from driving for 30 days as well as adding 30 days to the minimum time period.

Mr Turnbull: On the question I raised earlier of exemption for educational and employment purposes for rural residents—and I perhaps would add as a result of the suggestion made by my colleague Mr Conway—perhaps for certain health reasons exemptions could be made. Have you given some consideration of that?

Mr Hughes: Health reasons? Could you just explain that?

Mr Turnbull: When somebody has to get to a hospital or has to transport a relative to a hospital.

Mr Hughes: The police have the discretion now if it's an emergency situation to deal with the situation as it is. On the general question of exemptions, yes, of course, we've looked at exemptions. Generally, where exemptions have been used it's been with restrictions in a level where no accompaniment is required. In other words, if there was a curfew in level 2 and a person had a job that required them to drive during the hours of the curfew, some jurisdictions have considered exemptions and have exemption processes.

In general, when you're dealing with legislation, exemptions are seen as a last resort in dealing with a problem because of the potential for abuse and cheating. I guess, if there was some move to make level 2 tougher with some sort of additional restrictions, there could be some consideration given to some sort of exemption process.

The problem with the exemptions is they require an administrative process, they require staff support. For example, I guess I can just share with you that with New York state they have some age-based curfew requirements. It's not really a graduated licensing system, it's simply a ban on late-night driving for certain age groups. They do have an exemption procedure, but their exemption procedure is very administratively simple. The onus is on the driver to be carrying a document which is current and signed by an employer, an educational institution or something like that, which they can show to the police officer. At least that way it wouldn't be administratively complex and the onus would be on the driver to produce the documentation. With level 1 in our system, I guess we just basically shied away from exemptions simply because of our concern over the initial period of learning driving and we want that period of accompaniment to be done under fairly low-risk conditions.

Mr Turnbull: Okay. You mentioned in your presen-

tation the question of incentives to get out of level 2 and you suggested that ideally an insurance-based incentive would be best.

Mr Hughes: It's a possibility.

Mr Turnbull: Have you explored that with the Insurance Bureau of Canada?

Mr Hughes: We've broached the subject but we haven't come to any determination or final proposal.

The Chair: Mr Domoney, do you have something to add to Mr Hughes's response?

Mr Domoney: Yes, just a point. With regard to incentives for level 2, it's quite possible some people may choose to stay in level 2, because if they're non-drinkers and they don't overcrowd a vehicle, then there's no real inconvenience other than the possibility of the insurance difference. One of the additional incentives we've put in place is that after five years, if you're a novice driver for five years, your licence is up for renewal. If you are still in a novice status at that time, one of the conditions of renewal is a retest. So if you have taken the level 2 exit test to become a fully status driver prior to that five-year period, then you could renew as a normal driver without a road retest. There's a built-in incentive of an additional test, the thought being that if someone's a novice driver for five years or more, they probably haven't been doing much driving and we'd like to look at them again. They will be encouraged to get out of the system or be retested.

Mr Conway: Are any changes contemplated for the over-80 crowd? But that's another issue.

Mr Bill Murdoch (Grey-Owen Sound): I want to go back to the same problem Mr Conway brought up. I know David touched a bit on it, and this is rural Ontario and northern Ontario—as you said, northern Renfrew—but we've all northern Ontario up there. I agree with the graduated licensing concept. I think it's a good idea and I think you've done a very good job so far. I just wonder whether we're going to have to look to some exceptions, because definitely it's different in rural Ontario than it is in urban Ontario.

That's a problem I see with what happens here at Queen's Park with a lot of laws and a lot of bills that we put through. It's sort of geared for the urban area and we don't realize that there are differences out in—well, we realize, but sometimes I think the lawmakers don't realize there are differences in rural Ontario and northern Ontario.

You said exceptions could be made and maybe that's going to happen, because I have a daughter at 16 who has her licence. I'm glad she does and I think she does a very good job of driving. I have one who's 14, who's lobbying me also, who's going to get into this licensing system.

1140

But if you take on the farm, a lot of the times in the

summer, the son may work with his father on the farm and if a part breaks down, he can keep on working or something else and the son can go to town to get the part. They won't be able to do that if they're under this, if you have to have somebody with them.

I know it's not that long, and I agree that if we can save lives, we should do that. But I think that you've got to look somewhere in there to find an exception, to get it more accepted. I think the broad public does accept it now, but just to make it a little easier, because those are the only complaints I hear, that, "Hey, it's a little different out here in rural Ontario," and if you get away up north too. Sometimes people have to drive.

Mr Hughes: Just a couple of points: Several of the restrictions in level 1 have been modified considerably through this process to reflect the concerns of rural residents. It may seem tough, level 1, but the passenger and the highway restrictions that we originally considered have been modified considerably to being less onerous, particularly for rural areas.

I guess the second point is, I would assume that the big problem in the rural areas is the curfew. I have two teenage daughters and I live in the city, and I just want to get away from this idea that the curfew is just a rural problem. I think I'd rather have my child driving home after midnight than taking Toronto public transit. So it's a problem for me too, living in the city as a parent of a teenager. Basically, my decision on that is, I will go and pick them up wherever they are if they haven't got a licence and a car. I realize that distances are a lot further in rural areas, but I just want to get away from this idea that it's just a rural problem.

Mr Conway: I don't know about others but the curfew would not be, I don't think, nearly the biggest issue in rural Ontario by a long shot. Curfew you can live with.

Mr Murdoch: Yes. I say again, I know it's a tough one and I know you're working on it. I just would appreciate it if you'd look at that, though, that there may be some exceptions. When you said the employer—maybe if a son's working on the farm and he needs it, maybe there's a letter of some sort that we can have, that he can carry if he has to go to town to pick up parts and things like that. But there are those problems. That's my concern, but that's all.

Mr Levine: Just to address the issue of the farmer and perhaps son or daughter helping out on the farm: If we compare it to today's system, what it does is it probably prolongs the ability of the child to take up that role by one summer.

Mr Murdoch: Yes, that's fine, but in farming sometimes one summer is where you make your money. But I hear you.

Mr Levine: I think we have to recognize that there is a date at which the child becomes the adult, and in

this case, yes, we recognize that the impact is probably adding one summer's worth of need for someone else to be able to go pick up the part.

Mr Domoney: I think one thing we should really keep in mind here, with the conditions in level 1, the main condition in level 1, aside from the zero BAC, is that you must have an accompanying driver at all times. The reason for that is that the person in level 1 has never taken a road test. They've only taken a written and a vision test. Today, that's equivalent to what we call the 365 or the learner's permit. A rural person and a person in an urban community may not drive unaccompanied today until they've taken that road test.

So the real issue, in my mind, isn't whether they have a curfew in level 1 or whether they have passengers or not; the real inconvenience is the fact that you must have an accompanying driver. You cannot drive the vehicle on your own until you've taken the road test. The effect of graduated licensing then primarily is to say that you may not pass over into level 2 at least until you're 16 years and 8 months old, provided you've taken a driver ed course, or 17 without.

Mr Offer: On a point of clarification: Do you mean to say for a person to enter level 1, they do not have to have, under this system, a road test?

Mr Domoney: Today, anyone who gets a learner's permit, which requires an accompanying driver—

Mr Offer: Is level 1 just another 365?

Mr Domoney: Yes. But it's a 365 with some conditions applied to it and a minimum time before you can take the road test. So this is why we're saying that the real issue here is how long it takes you to get to the point of going into level 2 and when you're permitted to take the road test. So in today's system, as John mentioned earlier, it's likely that this would be three to four to five months in any case. So we're talking about an additional three or four months whereby you must be under those accompanying conditions before you can take the road test, before you can get on to level 2, which reduces conditions and allows you to drive unaccompanied.

Ms Murdock: I just have three comments and then a couple of questions. The first comment is, when you were talking about tougher licence testing, I was thinking that it isn't so much tougher as it would be, in my view, more comprehensive. I know it was many moons ago when I did my licence—

Mr Gary Wilson (Kingston and The Islands): Not that many.

Ms Murdock: Many moons, in the days of the 90 days, rather than the 365. I remember practising and practising and practising parallel parking because I couldn't do it and I never got checked out on it on my test anyway. So I was really quite disappointed.

In terms of agreeing to no more than two in the front

seat, I initially agreed with that and I still think that the concept of not having more than one other person in the front seat is a good idea, except that it was pointed out to me that pickup trucks would be a problem in that area, especially in rural areas. I'm wondering whether or not any thought has been given in putting that restriction, say, at the level 1 level only, so that at least at that level they wouldn't be having more than one in the front seat.

The other comment I have is that I agree that there's no difficulty with the zero BAC and that persons 16 to 19 are prohibited by law already from drinking, supposedly. As some comment was made this morning, laws obviously don't create a Utopia and not everyone follows them. So I think this restriction reaffirms the Criminal Code restriction.

The questions I have are whether or not you looked at, in terms of mandatory driver education and that being the incentive, a restriction of, say, level 1 of two years rather than if you take the course you get it in eight months, but if you don't take the course you've got a two-year restriction; whether or not that had been looked at.

The marker, in terms of identification of a learner, are you speaking of a sign such as my dad, who is handicapped, has, the blue sign that you put on the dash and so therefore when I'm driving him around, I just throw it in my car? Is it that kind of identification or is it a more obvious one?

What do class D level 1 drivers do in the rural areas? Yesterday, one of the presenters made a comment about how their farm is quite large and that they would have to use roads to get from the land to the barn kind of thing and what does a level 1 driver do in that instance.

In your presentation you talked about insurance hook. Is that the reason why the end was chosen for the level 2 test, the concept of an insurance drop in premium? I'm wondering if that was the rationale. I'm wondering how you arrived at the 30-day suspension for violation of a condition and whether or not other time frames had been looked at or severity of the contravention and whether a lengthier time frame should be looked at, and lastly, other jurisdictions in terms of the learning age levels, in Canada, specifically.

1150

The Chair: Mr Hughes, Mr Levine, Mr Domoney: I think it'll require a team effort.

Mr Hughes: Would you like to go back to your first question? I was trying to write them down here but there were a lot of questions.

Ms Murdock: Okay. Mandatory driver education: Had there been any consideration for a longer period of time in the level 1, with an incentive to take your driver ed; say, if you took the course, you'd still get your licence in eight months as a premium, but if you don't

take the course, you wait 24 months instead of 12?

Mr Hughes: Yes, we looked at different ways of accomplishing this. We arrived at where we arrived at based on a reflection that driver education costs money and would be a hardship for some people in the province to attain through professional driving instruction. Two, there are pockets of the province where it's difficult to get driver education in some isolated areas.

So those two things made us go to an incentive rather than mandatory driver education. The fact that the incentive is what it is, is really just a question of balance again. We could make the incentive bigger or smaller, but it's a question of being fair to those folks who either can't afford it or would have difficulty obtaining driver education based on where they live.

Ms Murdock: It would still not be mandatory under my scenario, would it?

Mr Hughes: It's not mandatory under our scenario, either.

Ms Murdock: No.

Mr Hughes: It's just a question of how much incentive or credit you give.

Mr Levine: If you're asking about the other end of the spectrum in increasing from one year to two years if you don't take it, I think the establishment of that time frame was made independent of the decision to offer the incentive for driver education. The one-year period for level 1 is really based on the whole concept of an overall two-year learning curve and a two-year graduated system and where's the appropriate time to make the cut and when might a person have sufficient experience to make that move from the very restrictive level 1 to the less restrictive level 2.

So in actually applying the incentive, we looked at it mostly from the point of view of what's an appropriate time frame to offer the incentive. We didn't look at expanding the one year.

Ms Murdock: The second one was the marker. What kind of marker are you thinking of?

Mr Hughes: I'm not sure that we've established 100% what it's going to be. The requirements are that it needs to be very visible, and secondly, that it needs to be portable, because we want the learner-driver to be able to take it from one vehicle to another.

Ms Murdock: I agree with the portability.

Mr Hughes: Bob?

Mr Domoney: We have a gentleman from our Kingston office who's looking into some of the design aspects of it, and there are some problems. We would like to have it as an interior sign as opposed to an exterior one for a couple of reasons. It's less likely to get stolen, it's more noticeable for drivers, and it's cheaper to construct. Some of the problems that we've encountered are darker windows, frost, how do you

make sure it's on the vehicle without obstructing vision etc. So we're looking into those design aspects and we will be tendering to the private industry for a sign once we've designed it.

Ms Murdock: If the point of it is for police identification and so on, I happen to think, based on watching people, looking at cars in the city of Sudbury, for instance, when they're learners, that traffic does change around those vehicles. So I happen to agree with both presentations yesterday where that comment was made.

Mr Conway: In what way, Sharon? I missed it.

Ms Murdock: I wasn't listening to what you were saying, Mr Conway.

Mr Conway: How did it change? I was interested in your observation on Sudbury, about how people react to the signs.

Ms Murdock: Actually the one presentation yesterday, where traffic slowed down or got more irritable and so on, is a definite observation.

Mr Domoney: The people who offer comments for the sign and the people who offer comments against it often use the same argument. So you can say that the fact that you provide a little bubble around the driver is a safety factor. It also creates an unrealistic driving environment. So it's six of one, half a dozen of the other whether that's a good or bad thing.

Ms Murdock: But if he's going to learn how to drive within the driving environment, then he shouldn't be buffered.

Mr Domoney: Yes.

Ms Murdock: Otherwise it's not a true learning experience. If the point of it is to learn and gain the experience in the first year, level 1, then—however.

What do class D level 1 drivers do in the rural areas?

Mr Domoney: They don't. There's a bit of a misunderstanding, I think, about class D. Maybe I can clarify that.

The current regulations require that you must have a class G licence, which is a regular licence after having taken a road test, in order to be able to drive a class D farm vehicle. Now, it's not just any class D vehicle, it must be a farm vehicle, it must be owned and operated by a farmer and operated by an employee or the farmer for farm purposes. If it is that kind of a vehicle, it's a class D. It's deemed to be a G for the licensing purposes, which means that the class G driver may drive it without a D licence.

The comparable situation is a class L licence, which is the 365. Class L in today's system is equivalent to G-1 in the new system. So a class L driver cannot drive a farm vehicle if it's a D vehicle today and in the future they won't be able to either.

The question that Sue MacNeil put forward yesterday was, what about a class D deemed to be a G if the

driver is level 2, which is after the road test, which is equivalent to today's scenario. The answer is that we contemplated that concern and the draft regulations do permit a level 2 driver to operate a farm vehicle if it's class D deemed to be G under the conditions that currently exist in the regulations.

Ms Murdock: I understood from his comments that that was the case.

Mr Domoney: So the answer is that you can't drive on a level 1, and you currently can't drive it with a learner's permit. The rationale is that you've never taken a road test, in any vehicle.

Ms Murdock: Is there a particular reason why the testing for level 2 is done at the end rather than the beginning of level 2, or is that because you've done the level 1 test and then go into level 2?

Mr Hughes: There is a basic road test at the end of level 1 or the beginning of level 2, whichever way you want to look at it. Between level 1 and level 2, you must pass the basic road test. At the end of level 2, you then must pass the advanced test in order to gain full driving privilege.

Ms Murdock: And the 30 days, 90 days or—

Mr Hughes: There's no magic to the 30 days; it just seems to be a reasonable suspension period. It's equivalent to what we do now under the probationary system where if you're on probation, which you are for the first two years of your licence period after you pass the basic road test, and you get six demerit points, then you're suspended for 30 days.

Ms Murdock: So severity isn't considered either? In terms of point accumulation, it's—

Mr Hughes: Under this system there's no suspension other than the normal demerit point suspensions for pointable offences. The suspension is strictly for violations of the restrictions on the licence.

Ms Murdock: In other jurisdictions, do you know offhand the learning age levels, or can you get it to us?

Mr Hughes: The predominant age is 16 in most.

Ms Murdock: But it is different in others?

Mr Hughes: Certainly in North America 16 is the norm. There are exceptions, but 16 is the norm.

Mr Domoney: I think there are two exceptions in North America, to my knowledge. I'm not absolutely certain of this, but I believe in Alberta you can get a learner's permit at 15, and I believe there's one Mid-west state—it might be Wisconsin; somewhere down there—where it's also 15. But predominantly across North America 16 is the minimum age for driving.

1200

Mr Hughes: Perhaps one point of interest as well: The New Zealand and Australian graduated licensing systems are age-based. They only apply to new drivers at young ages. Ours is different. Ours applies to all new

drivers. You've got to understand that they have a different legal and constitutional system than we do, but theirs is very discriminatory based on age.

Ms Murdock: It wouldn't get past our charter unless we invoked section 1.

Mr Paul Klopp (Huron): Thank you very much. It's been enlightening today. I think the argument of right versus privilege is something we've had at our caucus. A few of us have argued on all sides, and I won't get into that, other than I agree that the premise of what we're doing here is important.

On the zero blood alcohol content, and we're talking about human nature, I think it's important to bring out another side of human nature. When you have an accident in your area and it hits home, a young person getting killed, I've had a lot of different phone calls in my office, unfortunately, because of the human nature issue. All of a sudden it's Tom and it's Mary who went to Goderich High. We've talked about this out in our area as members of Parliament for a while and I've had quite different phone calls on the necessity to, yes, make it now that you're not 16 and get a licence automatically. You're extending the process. I found it interesting. We just noticed it now. It's going to be like 17 to get your licence. Of course it is. You're stretching it out.

However, I get back to an issue we talked about, and it's not just rural and not just farmers; it's the whole issue of the necessity, I guess, and the argument of right versus privilege comes down for me on that side of the argument. Right now under the system, the way I understand it, I can apply for my beginner's—maybe I'm using an old term—I get my beginner's and, in theory, the very next day I can go in and get my full licence to drive. In practice, where I come from—I'm not just talking of farmers but the Zurichs and the Goderichs and the Hills Greens and you can name them all—everybody who has gone in very quickly to get their full licence is because they have a job, and they've been probably driven to that job. Yes, they've been driven the day before. Their dad or their mom or their aunt or their grandmother or their best friend's old neighbour drove them. But now they can get a licence, and they go as fast as they can to get that permit.

Under the system we're now asking us to do, we aren't allowing that flexibility. We're saying a minimum of eight months, and it isn't very long, I agree, but it's eternity if you're hanging on the side of a barn; eight months is a long time. Bad example.

The idea is that now we're taking away that right, and I go back to what Mr Murdoch said. I think what all of us have talked about is that there is no doubt we want people to buy into this system, because with all the rules you can make, if people aren't buying into it, you haven't gained anything. All you've got is a problem, and probably some group will run in the next

election and say, "We'll get rid of it, vote for us," and if it's bad enough, they probably will.

I think, to try to come up with some answer here—and I'd like to see some statistics if we can—how many people are getting involved in accidents who are truly going back and forth to work? I can think of thousands of examples and everybody else in this room can.

So if there's some option, I guess, that if someone can show need for work, they can somehow get sped up to get a permit to drive by themselves, because right now theoretically they can, but that they're given, I don't know, a new designation or something, that allows them to fast-track to the point that they could get a licence to drive themselves, but it would only be—I agree with the intent that it's got to be the 16 to 19, and I grew up in that age group so I know exactly what I'm talking about, and I'm lucky enough to be here, I suppose, but that they can get their jobs—

Mr Conway: It would be remarkable to think you grew up and avoided that age.

Mr Klopp: I'm afraid I didn't.

Mr Murdoch: The question is, did he grow up?

Mr Klopp: They could get a work permit but they still have to follow all the other rules. They've still got to go through that study period, because I also can understand somebody taking advantage and all that nightmare. But truly for a person who does have a job, say, who lives in Zurich and works in Bayfield and is 17 and 16, I really think that person should have all the other rules, that there's an option there, because it isn't Toronto, it isn't a lot of other places. So that's what I bring up and I'll leave it at that for now.

Mr Hughes: I don't think there was a question, but certainly I've talked about the idea of exemptions. I guess the question I would have in terms of what you've suggested is, where does the driver's test fit into that? Would you give someone an exemption before they've tried the driver's test?

Mr Klopp: No, no.

Mr Hughes: So you'd have to front-end the driver's test for those exceptions, then.

Mr Klopp: If they can show need and it's for work only, and they can go and get their regular licence or a new form of licence.

Mr Hughes: Again, I don't know that we would be able to provide any statistics on accidents where people were driving for work purposes. That kind of stuff doesn't exist. We don't capture that kind of information at the accident scene. So in terms of the safety aspect, I can't comment on that.

I've already commented on sort of the reluctance to allow exemptions and why, but certainly, if the suggestion was there, we'd want to make it manageable and practical.

Mr Klopp: Maybe one small comment to just close on, I really think the marker issue is something that I'm not crazy about—50-50.

Mr Conway: I think it might be a useful thing, in light of some of the questions that have been raised, to take a moment just to remind all of us what the current system is and what the new system will be.

It's been a long time since, like Ms Murdock, I wrote my test. Will somebody just explain to me, just so I'm clear, the way it is now generally and the way it will be, but let's just review what we've got now for the typical 16-year-old who is thinking about getting a driver's licence. How does it work now?

Mr Hughes: I'll take a try at that, if you like. Currently, a person who wants to get his or her driver's licence goes in and tries the vision and knowledge tests at a ministry licensing centre. If they pass the vision and knowledge tests—

Mr Conway: You have to be 16.

Mr Hughes: —at a minimum age 16, they are then granted a learner's permit, which is what we call a 365-day permit.

Up until that point, that's exactly the same as the graduated licensing system where they'll come in, try the vision and knowledge tests, must be 16 years of age and they're granted a level 1 graduated licence.

Mr Conway: So with the old 365, you couldn't drive on the roads unless you had a licensed driver with you, right?

Mr Hughes: That's correct.

Mr Conway: The change there is a licensed driver now with four years' experience.

Mr Hughes: So whether you've got the current 365 or the new graduated level 1, you must do the same things to get that piece of paper. Once you've got the piece of paper, the only things that are identical are the accompanying driver—there is an accompanying driver requirement with the current system, but there are no criteria attached to the accompanying driver other than that he or she must be licensed, and we are more onerous with the graduated system. They must drive a class G vehicle; that's the same. All the other restrictions I think are new with the graduated licensing.

Mr Conway: Now, that's helpful. The one problem that I continue to see here, and I'm trying to imagine, and you think about problems because—I'm so fossilized, I remember when we did the seatbelt thing around here. Boy, was that a lot. We have come a long way, and by the way, I want to look at that legislation because I remember the debate about exemptions and there is an exemption. I think it's either written into the bill or in the regs. I can't remember.

Mr Levine: A medical exemption.

Mr Conway: Exactly. It's like the old prohibition.

You could get a lot with that script. You could do a lot with that. That was a very useful, flexible instrument in public policy.

You see, the thing that I see as the problem is that I think of my old high school, where kids come in from a radius of 50 to 60 kilometres, and with cutbacks that are understandable in terms of busing—I'm thinking of these good kids who are going to be 17 and 18, and I've got some mail and lots of the questions I think I can answer. I'm not worried about them. Curfew is the least of my worries. I totally agree with you on the one person in the front of the car too. I really think that's a very sensible restriction.

I'm thinking about these kids who are going to be 17 and 18 who are going to be, say, at the high school and they're going to be playing basketball or something. The only way they can participate is to get in some kind of a car pool. The way it works now, you see, is that you can entice your older brother or your older sister to hang around to drive you home. The minute you impose that rule of the four-year, you've got to get an adult who's going to be willing to do that, and that's going to be a real problem.

I know the way around it. I know what I would do, and I think the local police would probably understand and let it pass as long as the exemption was sensible. That's what will happen, I'll tell you, in my area, and it'll be a perfectly understandable behaviour because there will be no alternative.

Mr Hughes: The four-year requirement, again, isn't etched in stone. Remember, if graduated licensing goes through and we look down the road a little bit, any driver who is fully licensed, who has gone through the graduated licensing system, will have been licensed for two years during the graduated licensing period. I'd say you've kind of got a minimum two-year requirement right there, built into the system. If the requirement was just a fully licensed driver to be the accompanying driver, down the road, we're comfortable that this person will have at least two years' driving experience, having gone through graduated licensing. So two years, three years, four years, there's some flexibility there.

Mr Conway: I think that might be the solution.

Mr Hughes: I'm not saying that it has to be four years. I think what we're saying is that we want to have more assurance than we do now that the person who's sitting in the passenger front seat is able to do some coaching and to take over in an emergency. Whether that's four years or three years or five years I think is debatable, but right now they can be licensed for one day and be the accompanying driver.

Mr Conway: I agree. I appreciate that.

The Chair: I'd like to thank Mr Dadamo, Mr Hughes, Mr Levine and Mr Domoney for their participation here this morning. I trust that ministry personnel

will be available throughout the committee process, and we look forward very much to involving you in the process. We are in recess until 2 pm.

The committee recessed from 1212 to 1407.

INSURANCE BUREAU OF CANADA

The Chair: The first witness this afternoon is the Insurance Bureau of Canada. Please identify yourselves and then proceed with your presentation. You have been allocated one half-hour for your presentation, and I know the committee would like at least half of that, if possible, for questions and answers.

Mr Stan Griffin: Certainly. Thank you, Mr Chairman. My name is Stan Griffin, vice-president of the Ontario region of the Insurance Bureau of Canada, and with me is Peter McDougall, who coordinated our summer 1992 graduated licensing campaign.

I have tabled with you a formal submission. I'm not going to read it. As the Chairman has reminded me, we have a precious one half-hour, and if I did, I think we'd fill the whole time reading the submission. So I encourage you to read the submission at your leisure. It is filled with all kinds of statistical support for graduated licensing. For the next few minutes, Peter and I would really just like to talk to you about IBC's involvement in promoting graduated licensing, some of our comments and recommendations on the government's proposal, and Peter will share with you and discuss with you his experiences with the public during his campaign last summer.

For those of you who are not familiar with the Insurance Bureau of Canada, we are the major property and casualty insurance trade association in Canada. We have 180 member companies that offer most of the home car insurance in Canada and insure the over six million vehicles in the province of Ontario. We have 47,000 people working in our industry in Ontario and these are the people who deal day-to-day with the kinds of accidents and the kinds of injuries and the results of the current licensing system that we see today.

IBC and the industry have a long history of road safety initiatives. We were in the forefront in the 1960s and 1970s in promoting seatbelt legislation, drinking and driving campaigns. We've contributed most recently to the Ministry of Transportation's efforts to reduce aggressive driving through, you may recall, the Dr Jekyll and Mr Hyde campaign of the last summer. Graduated licensing, to us, is a logical extension of that leadership in public service in providing for and promoting safety initiatives.

IBC has supported graduated licensing since as early as 1983. In 1988, we commissioned the Traffic Injury Research Foundation to study the problem of the young driver and young driver road crashes, and I'm glad to see that the committee is going to have the opportunity to hear Dr Herb Simpson immediately after our presen-

tation, who authored much of that report and is in my opinion one of Canada's leading experts in this whole issue of graduated licensing.

The results of that study were released in 1990 in a publication called *New To The Road: Young Drivers and Novice Drivers—Similar Problems and Solutions?* There were two findings of that 10-year research that I would like to highlight for you: first of all, that even though the number of car accidents has declined among young drivers, the death and injury rate for young drivers, those drivers under 20, is still two and a half to three times greater than for all other groups on the road, and secondly, that other new drivers are also high at risk and their numbers are increasing. This is the first time that we had verification of that phenomenon, that there are more and more new drivers on the road who are not 16, who are older in age, and they too are at high risk of being involved in car accidents.

Following that, we commissioned TIRF once again to organize an international symposium in Halifax in 1991 to again look at an international perspective on this problem of new drivers on the road. The findings of that report have been broadly distributed in a report called *New To The Road* that I'm sure Dr Simpson will refer to during his presentation. There were two major findings that came out of that study, and this was an international symposium. The two major findings were that graduated licensing can protect all new drivers, and secondly, that it should be implemented across Canada.

Following that symposium in Halifax, IBC decided that we should champion the cause of graduated licensing, and we started in Ontario with a press conference in March 1992. The campaign was really to raise public awareness of graduated licensing and to encourage the government to develop and introduce appropriate legislation for the province of Ontario.

We prepared a very extensive campaign. It included a position paper on graduated licensing. It included pamphlets, which I'm sure you've seen; we've distributed some two million of these throughout the province over the last couple of years. We've used radio commercials and advertisements to really raise the awareness of the issue.

We carried that campaign over into the summer of 1992, and that's where Peter McDougall, my colleague, comes in. He coordinated that campaign to bring the message of graduated licensing down to the community level throughout Ontario. Peter's going to tell you in a few minutes about the response that he had.

I would just say that there is, in our opinion, very broad public support for graduated licensing. There are various groups that are listed in our paper that support the concept of graduated licensing. Public opinion polling conducted for us shows that as of March 1993, which is the latest public opinion we've conducted, 88% of the people of Ontario support graduated licensing.

The only significant opposition to the concept comes from, as you might guess, 18- to 24-year-olds, and particularly 18- to 24-year old males. Even there it was only 14% who were opposed to the concept, so it's not an overwhelming opposition even among young people.

I had the opportunity to sit through the technical briefing this morning and I know there's some concern from some of the rural areas. The research also shows that there's no difference between urban and rural Ontario in support of the concept of graduated licensing. The reasons, I think, are apparent to anyone who has experienced the tragedy of losing someone in a car accident, and I think we have to not lose sight of the fact that the current system does not work.

The current system that results in a situation where car accidents are the leading cause of death for people under the age of 20 in this province is a system that does not work. As you heard this morning from the parliamentary assistant, it is by far the leading cause of death. It far outstrips suicide; it far outstrips cancer and all of the other leading causes of death of our young people. So it's not a question of slapping a patch on the current system. It's really calling for a major overhaul of the system that is killing 350, 400 of our young people in this province every year.

I'd like to just play you a short segment. Maybe the clerk could turn the video on. We've provided you all with a full 10½-minute video as part of our campaign. I'd just like to play you about a two-minute clip to give you a flavour of some of the personal experience that comes from the kinds of accidents that we're talking about.

Video presentation.

1416

Mr Griffin: I encourage every member of the committee to watch the full 10½ minutes if you have not seen any of this before. It is a very powerful 10 minutes of the impact of the current system on parents.

I would like to just make two major comments about the government's proposal. We do fully support, obviously, the concept of graduated licensing. There are a couple of areas where we have some concerns. I would ask you, in a couple of minutes, to refer to the last page of our brief where we've tried to summarize the government's proposal and our recommendations.

Our two major concerns are in two areas. First of all, the parliamentary assistant, in your own technical briefing this morning, constantly referred to the fact that you need, on average, two to five years to develop true driving skills. Our concern is that the government's proposal falls on the short side of that. As Mr Offer pointed out this morning, phase 1 is really an extended 365. It is not much different than the current system, other than it does have some conditions built in. But our fear is that under the government's proposal, in as short

a period as eight months, the new driver is suddenly exposed to the full range of high-risk driving in phase 2. So we have some concern that the research shows that you need a longer period of time, and the government's proposal falls a bit short of that. We'd like to see the protective period for driving experience extended a bit, and that will show up in our recommendations.

Secondly, the whole concept of graduated licensing is that restrictions should be removed on a gradual, step-by-step basis. Again, we think there is a shortfall in the government's proposal there, that the restrictions and the conditions around the new driver come off too quickly. They virtually all come off in level 2.

If you would turn to the final page of our brief, there is a chart that describes, on the one side, the Ministry of Transportation's proposal and IBC's recommendations.

At level 2, we support all of the proposals and all of the conditions that are in level 1, with a couple of minor modifications. First off, we would recommend that the accompanying driver have at least two years' fully licensed experience. It's not clear from the government's proposal. They say that it should be a licensed driver with at least four years' experience. The way that's worded, in our opinion, you could have somebody sitting next to a new driver who's also a new driver. He could be in his third year of the second phase. So you could have one driver who's in the graduated phase trying to teach another. We don't think that's appropriate. We think that they should be fully licensed; they should have passed through the graduated licensing and have been licensed for a full two years so they themselves have experience.

Secondly, the passenger restraint, we think, is inadequate. We don't think there should be any other passengers unless, as was pointed out this morning, the accompanying driver is a qualified and accredited driving instructor, so you can obviously have other students in the car or, if you have an accompanying driver who's been licensed for at least five years, then you could have the number of passengers restricted to the number of seatbelts.

The third modification we'd like to see at level 1 is that during that period the new driver maintain a conviction-free driving record for that entire period to ensure that they have gained some proficiency; they simply haven't gone through the period but they've also racked up all kinds of convictions. So we'd like to see that in.

If you turn over, the second is level 2, and here our concern is that most of the restrictions have come off very, very quickly. We would like to certainly recognize that the new driver has gained some experience in level 1, but we don't want to suddenly expose him to conditions he hasn't seen before. What we would like to see come forward in level 2 is that you don't need an

accompanying driver. You can drive on our own, unless you're driving from midnight to 5 am or on high-speed expressways, those two areas where you had no experience in level 1 because you were barred from doing that. In level 2, you should get experience obviously driving at night and you should get experience driving on high-speed expressways, but you should have somebody there to give you guidance, as you had in level 1. So we'd like to see that brought forward.

We also think in both level 1 and level 2 that the accompanying driver should have a zero blood alcohol level. The learning driver should be sober; so should the accompanying driver. He or she, the accompanying driver, is there to provide experience, to take over in the event of an emergency and to countervail any kind of risk-taking, and we think that he or she should also be sober.

Again, we'd like to see the limit to the number of seatbelts in the vehicle strengthened. There is research most recently conducted in the United States by the Insurance Institute for Highway Safety which shows a dramatic statistic, which I'm sure if we had it from the Ministry of Transportation would be the case in Ontario as well. But their current report states that teenagers driving other teenagers represents the worst combination; 63% of all teenage passengers who die in crashes do so when a peer is behind the wheel. That's the worst combination you can have. We would like to see that strengthened in the second level as well, that there would be no other passengers in the second level, again unless you had an accredited driving instructor or you had another accompanying driver who's been five years licensed. Then you could have passengers limited to the number of seatbelts.

Finally, again, to exit out of the system, we would like to see a conviction-free record maintained during this level 2 as well.

Those are our major recommendations. We think the model could be improved upon by making those changes that reflect the true principles, as we understand them, of graduated licensing. We are extremely encouraged by the Ontario government's movement on bringing forward graduated licensing.

I'd now like to turn to Peter McDougall to spend a few minutes sharing with you his personal experiences travelling around the province last summer.

Mr Peter McDougall: As mentioned by Stan, I was the coordinator for IBC's graduated licensing summer campaign over the course of 1992. IBC hired eight university and high school students to carry the message of graduated licensing across the province of Ontario. We operated two information booths which travelled around to approximately 24 different fairs and festivals. These ranged from things like the Leamington tomato festival and the Alliston potato festival to the Molson Indy and the Canadian National Exhibition. We estimate

that we educated nearly two million people on the concept.

Throughout the summer we had the opportunity to discuss the issue with the people and hear what they had to say about it. The majority of the people whom my group spoke with were overwhelmingly in favour of this concept. In fact, we collected approximately 4,000 signatures on a petition, which was then submitted to the Ontario government.

The people of Ontario were aware of the tragedies that occur far too often with driving. There was recognition of the need for something to be done to reduce the carnage on Ontario's roadways. Many people felt that a graduated licensing system was the solution and that Ontario should implement such a system.

Over the course of the campaign, we occasionally came into contact with people who had had the misfortune of having a friend or relative killed in a car crash. Although an unpleasant experience, it clearly demonstrated to me in a hard-hitting way the dire need for something to be done to address the problem of novice drivers' overrepresentation in car crashes, deaths and injuries.

I applaud the government's decision to go forward with this system. It's an excellent component of an overall road safety effort and an idea whose time I think has come.

Some people are concerned that such a system would be too restrictive and cause undue inconvenience. I have to disagree, and so did those people I had talked to who had a friend or relative killed in a car crash. They would gladly have put up with some minor temporary inconveniences if it meant keeping those they cared for alive.

I think this is the most important feature of a graduated licensing system: saving lives. Car crashes continue to be the leading cause of death for young Canadians, and this system has the potential to do something about that. Perhaps it should not be viewed in terms of being restrictive, but rather as being protective.

I found it interesting to hear comments from younger people about the system. Admittedly, not all were ardent supporters of it, but you'd be surprised to know that many were in favour of it as a way of reducing the number of their peers killed in senseless tragedies. I can still recall speaking to a group last summer at the CNE. They had had a number of their friends killed the previous summer. They expressed to me that they felt the main reason for the accident was due to inexperience on the part of the new driver, a fact that has been well documented throughout the research. They believe that this system might have kept their friends alive.

A recurring concern that we heard was whether this system would function as intended and actually reduce

the number of people killed and injured. We pointed out the evidence from other jurisdictions, such as New Zealand, where it reduced the death rate in the first year by about 25%. Longer-term results have indicated a reduction of around 10% to 15%. These to me are not insignificant numbers when you look at the human face behind them.

The people of Ontario want lives to be saved and have expressed the need for a system that would equal or better those numbers. This will require more than just superficial change to the current system, but something meaningful which can best guarantee effectiveness. IBC is very encouraged by the government's initiative to go forward with this, but we feel that level 2 is an area that can be strengthened to make this system more effective. We appreciate the opportunity to come before you and appreciate your consideration of this matter. We're prepared to answer any questions that you may have.

Mr Daigeler: Thank you, first of all, for promoting this concept over a considerable length of time. I think you must have been involved in this for at least a decade, I would say, so it's certainly not something new for you, and you must be rather pleased to finally see this coming to fruition.

Nevertheless, I have two questions that are specifically related to your industry. You were here this morning and I asked in particular about the coverage. In the question and answer document that was provided to us by the ministry, it says, "Under the graduated licensing system, new drivers who operate a vehicle in violation of any of their licence conditions will not be legally authorized to drive and would thus not be covered by insurance." I got some answer this morning, I'm not sure whether I'm satisfied with it, but I'd like to ask you again, if somebody forgets or doesn't put the "L" sign in their car, they're in violation of the conditions. Therefore, will they not be covered by insurance?

Mr Griffin: Let me answer that by first starting by explaining the current situation, which is spelled out by statute. Basically, it says that if a car is driven without legal authorization, it says if you're not authorized to drive by law, then there is no coverage for the collision portion of the policy. Obviously the accident benefits and the liability coverage apply. It puts the onus on the owner of the vehicle. You have to remember that the insurance is on the vehicle. It puts the onus on the owner of the vehicle to make sure that the people he or she is allowing to drive their vehicle have the proper licence.

You can think of the example of someone who has a class G-1 licence who steps into a transport truck equipped with power air brakes, for which you have to have a special licence. That person would be driving it without the right licence. If he ended up in a collision and destroying the transport truck, the owner of the transport truck would be out of luck for the value of the

transport truck, but if the driver was injured, he would be covered for his injuries. I assume that under the new provisions, the government is thinking of the same kind of system, and that is, if you're not authorized to drive, there's no coverage.

Mr Daigeler: Fortunately, I haven't had too many occasions where I've had to use these provisions. Could you spell out for me again what they would be covered for? Because you said they're covered for some things.

Mr Griffin: Yes. The statutory exclusion in the current policies—you cannot exclude anyone from their coverage for their accident benefits, which covers their injury, their medical costs. If you personally are injured, there would be coverage. If, however, you are in a vehicle for which you're not licensed or you're not authorized, you don't have a licence or your licence has lapsed or been suspended and you do damage to the vehicle, there is no coverage for damage to the vehicle.

Mr Daigeler: But there is coverage, let's say, if you injure someone else. That is covered.

Mr Griffin: Yes.

1430

Mr Turnbull: In your level 2 proposed changes—obviously, the two that I spoke about this morning are that you would advocate supervision for the 400-series highways and the midnight curfew—you have not spelled out any requirement for blood alcohol restrictions on the accompanying driver in level 2. Do I take that just as an oversight?

Mr Griffin: No, it says zero blood alcohol content, if you look at the second block in the table.

Mr Turnbull: Okay, yes. Sorry. The first one didn't have it.

Mr Griffin: We also recommend a zero blood alcohol content level at the second level.

Mr Turnbull: Do you feel very strongly about this 0% blood alcohol for the accompanying driver? I think there's a lot of validity in your looking for an accompanying driver as they step to that extra level of experience, the 400-series highways and the midnight curfew, but obviously it might become more difficult to get somebody who is absolutely 0% blood alcohol in level 2. In level 1 we're talking about a much more limited period of time. If you had your druthers, if you had to trade off one with the other, would you accept the 0.05% level that the government is proposing for level 1 for the accompanying driver in acceptance of them being limited to having an accompanying driver in level 2 for the 400 series and the midnight?

Mr Griffin: I guess I'd start by saying you must move in the same circles I do if you have a hard time finding somebody else who hasn't had a drink. I don't think that should be a terrible problem. We think that the learning driver should be sober; so should the accompanying driver. They're there to take over in the

event that there is a problem with the new driver. The other thing is to countervail any risk-taking that may be encouraged by others in the car if there are other passengers allowed. We would prefer to see zero blood alcohol. Obviously we support the government's proposal as a first step, and it's a good first step, but we would like to see it strengthened. There was a discussion this morning about whether you can detect 0.05%, 0.08% and 0%. It's easier if you just keep it at 0%.

Mr Turnbull: Yes. You understand, Stan, obviously I've been the principal proponent in the Legislature for this legislation. I'm just trying to get an indication as to where your priorities lie, because obviously we're going to have more resistance from people from rural areas in terms of getting accompanying drivers. You're asking for a further restriction. I'm asking what the priority would be between getting somebody at level 2 to accompany and it being 0%.

Mr Griffin: I think the priority would be to have somebody there accompanying in those new conditions. If the best that can be done in public policy is to allow the accompanying driver to have had a drink, then I suppose that's the compromise you have to make.

Mr Ron Hansen (Lincoln): The one that's on the back page here is "Maintain conviction-free driving period for entire duration of level 1 and pass basic road test." You have that also on level 2. What is your explanation on where you go from if you wind up with a conviction? Do you go back to day one or do you start from that point back on again? What is it on the two levels?

Mr Griffin: I think what we'd probably like to see is the same kind of treatment that the government is proposing, that if you have a 30-day suspension as a result of a conviction, you have 30 days added on to the period.

Mr Hansen: Okay. Also, on the first page there, level 1, it doesn't say where the driving instructor or the person with five years fully licensed sits; it says "accompanying driver." Accompanying driver, is that sitting next to the driver or could that accompanying driver be in the back seat? Because if the person is sitting in the back seat, he's not paying attention to what's actually going on in the road; just to get clarification.

Mr Griffin: What we've done in level 1 is actually introduce two situations for accompanying drivers. You'll see that at a minimum you must have an accompanying driver who has been two years fully licensed. However, if you want to have passengers in the car limited to the number of seatbelts then you'd have to have an accompanying driver who has been at least five years fully licensed, and it's to get at an older, more mature accompanying driver to countervail, again, the distraction of having passengers in the car.

Mr Hansen: Is that accompanying driver sitting next to the driver?

Mr Griffin: Yes.

Mr Hansen: With two in the front seat possibly.

Mr Griffin: Yes.

Mr Hansen: There's one final question I have: What about new Canadians coming in? It could be from the United States, it could be from England, it could be from anywhere. They have different driving requirements. What's your feeling on that, someone coming in with 15 years' experience?

Mr Griffin: I think we support the government's proposal, which basically says that you come in and if you can prove that you have experience from another jurisdiction and you pass the advanced test, then fine, you enter into the system. You attempt to prove the experience that you bring with you from whatever jurisdiction you come from.

Mr Hansen: I just wanted a different opinion. Okay.

The Chair: We'd like to thank Mr McDougall and Mr Griffin and the Insurance Bureau of Canada for bringing forward some very important information and views on graduated licensing. I for one will take the opportunity to review the video and look into your presentation in some detail, and I think all the other committee members will do the same. On behalf of the committee, we'd like to thank you for taking the time to be here this afternoon.

Mr Conway: We never got a chance to ask about favourable impact on premium rates if we all sup at this virtuous table.

Mr Mike Cooper (Kitchener-Wilmot): I think I heard that on the commercials.

Mr Conway: I'm, for one, deadly serious. I'm just assuming that if we're all this virtuous, these insurance rates are coming down. That, for me, is a very serious question.

Mr Griffin: I will attempt to answer that if—

The Chair: You can, very briefly. Unfortunately, we have people waiting to appear and it puts them at some inconvenience as well, but if you wish to very quickly address Mr Conway's concern, then that will be fine.

Mr Griffin: I will just say very briefly that if the experience of graduated licensing does reduce the amount of payouts that are made by insurance companies, ultimately it would be reflected in the premiums. That's how insurance works. It's experience-rated. It says, this was the experience of the group; this is how we charge the rate.

Ms Murdock: How long is "ultimately"?

The Chair: Thank you very much.

Ms Murdock: I need to know how long "ultimately" is.

Mr Conway: Mackenzie King did have children.

TRAFFIC INJURY RESEARCH FOUNDATION
OF CANADA

The Chair: The next scheduled witness is Dr Herb Simpson, the executive director of the Traffic Injury Research Foundation of Canada.

Dr H.M. Simpson: You have had circulated to you a not-so-brief brief, and what I will not do, in the interest of time, is go through that in its entirety. I will refer to a segment of that brief when I reach that in my presentation. I will read my presentation, which is a substantially reduced version of what you have in front of you. I'll do that in the interest of time in order not to be too extemporaneous and have you shut me down.

First, a little background about the organization that I represent, the Traffic Injury Research Foundation, which is better known by its acronym, TIRF. It's a charitable, independent road safety institute whose mission is to reduce the health and social consequences of traffic collisions through the design and promotion of prevention programs and policies that are based on sound research.

It was founded in 1962 by a group of concerned doctors at the Royal College of Physicians and Surgeons. Its initial focus on medical factors has broadened significantly over the past 30 years and now encompasses a diversity of areas including alcohol, drugs and driving; young and novice drivers; driver licensing and improvement programs; motorcycle and moped safety; elderly road users; bicycle safety and so on.

In the past decade alone, TIRF staff have conducted some 125 different projects valued at about \$4 million.

The organization has distinguished itself as a leading scientific authority in the traffic safety field and is recognized internationally for its accomplishments. Pre-eminent among these is work in the area of graduated licensing. TIRF staff are internationally acclaimed for their expertise in this area.

1440

In the brief that you have, we chronicle some of our achievements in the area of graduated licensing, which I won't review. Suffice it to say that we first introduced the concept of graduated licensing to Canada in 1976, and we have researched and documented the need for and benefits of this system and actively promoted it since then. This work led most recently to our being contracted by the motor vehicle branch of the British Columbia Ministry of the Attorney General to assist in the development and implementation of a graduated licensing program for that province. As well, TIRF staff have visited New Zealand and Victoria, Australia, to assess graduated licensing programs in action there.

The continuity and scope of our work on graduated licensing, and no modesty is intended at all, is really

quite unparalleled. Our research and that of others around the world has consistently concluded that prevention measures that provide an opportunity for new drivers to gain experience have to be considered a priority. The dilemma is that in order to gain the needed driving experience, the novice must put himself at risk.

The solution to this dilemma is simply to provide a means for gaining experience under conditions that minimize exposure to risk. This is the fundamental purpose of graduated licensing. It's a method by which the novice can gain experience and proficiency under less demanding or less risky conditions so that errors and their consequences are reduced. As experience and competence are gained, exposure to more demanding driving conditions is gradually phased in. Somewhat like an apprenticeship program, it's intended to ease the novice into the full range of traffic conditions.

To date, only two jurisdictions, New Zealand and, more recently, the state of Victoria, Australia, have adopted a true graduated licensing approach. Although graduated licensing has been in operation for only a few years in New Zealand, the benefits are already evident. An assessment of their graduated driver licensing system shows, as you heard a few moments ago, that casualties among the targeted group initially dropped by about 25% and that a long-term impact of about 10% to 15% has been sustained. The safety benefits of this program have been impressive indeed. Moreover, since the New Zealand program has had some operational difficulties, most notably very weak penalties for non-compliance with the restrictions, it's likely that an even greater impact can be achieved and sustained with a well-designed program.

The decision by the government of Ontario to introduce a graduated licensing system has our complete support. It will save lives and reduce injuries among newly licensed drivers in the province. The personal, social and economic benefits that will accrue from this protective measure will be substantial. Indeed, it's fair to say that some of the new drivers who protest the limitations imposed on them will still be driving years from now because of the very system they criticized.

As well, some of the parents who are concerned about the personal inconvenience that may be caused by the system will not have to face the tragedy that others have confronted in the past with the loss of a son or daughter. Personally, I have attended far too many inquests over the past decade and a half which may never have had to have been held if graduated licensing were in place at the time.

While legitimate concerns have been and will be raised about some of the operational features of the system being proposed, we would like to stress that in the 17 years we have pursued this concept, we have yet to hear one compelling reason why graduated licensing should not be introduced. Accordingly, the myriad of

suggestions that are offered to this committee over the course of its hearings as to how the proposed system can be modified and improved should not detract from the one pivotal objective: the implementation of graduated licensing. We believe consensus on the need for graduated licensing will be reached even if total harmony on all of its operational features is not.

The acid test of this conclusion can be performed by posing one simple question to those, including myself, who make suggestions for improvement. You might ask them, "If your suggestions were ignored and the final choice was between the proposed graduated licensing system and the status quo, what would you choose?" To avoid the necessity of the committee asking me that very question, I will offer a pre-emptive reply: I would choose the proposed system.

The graduated licensing system being proposed by the government is basically sound and has much to commend it. It is our opinion that it will be effective in reducing deaths and injuries among newly licensed drivers even if introduced in its proposed form. We also believe that the effectiveness of the system can be enhanced with some relatively minor changes and that the opportunity to amend the model should now not be missed.

For ease of presentation, in my comments I will restrict my remarks to the G-class licence.

As you know, the gradations or the levels in the proposed system differ only in terms of the number of restrictions they contain; that is, the graded or tiered feature of the proposed system is achieved by altering the number of restrictions, so a restriction is either in effect or it is not. To illustrate, the proposed system will have about five major—I emphasize major, because there are other bits and pieces associated with it—imposed on the novice during the first level. That includes a zero BAC, a late-night driving restriction, limits on passengers, supervision—that is, accompanied by a licensed driver—and road limits. This is reduced to two major restrictions during level 2 which include the zero BAC and passenger limits.

In our opinion, this diminishes the potential benefits of a phased-in or gradual entry to full driving privileges, because the transition from level 1 to level 2 is too abrupt and that from level 2 to full licensing is not very distinct. A more gradual entry can be achieved by retaining the proposed restrictions but modifying their form. Our suggestions address how to achieve this and address some other related issues.

We propose modifications to three of the restrictions: the night-time driving restriction, the passenger restrictions and the characteristics of the accompanying driver.

First, with respect to night-time driving: This is truly one of the most important features of the system. This restriction recognizes that night-time driving is more

difficult and more dangerous than driving during daylight hours for a variety of reasons, including: lower visibility, problems associated with glare and glare recovery and the higher incidence of unpredictable—usually impaired—drivers on the road at that time. Not surprisingly then, night-time driving restrictions have been shown to have a significant impact on the collision involvement of new drivers, and it is not surprising that many states in the US have this as the backbone of their new driver programs.

As you know, in the proposed system, during level 1 the novice is permitted to drive at night but only accompanied by a licensed driver—basically, “under supervision” is the term we use—but he is not allowed to drive during the very risky time period of midnight to 5 am. In level 2, there are no restrictions whatsoever on when the novice can drive.

We would prefer a system that provides a more gradual entry into this risky driving condition and at the same time addresses the various reasons why night driving is hazardous. Accordingly, we recommend a more stepwise introduction to night driving. To accomplish this, the nature of the driving restrictions would change during both level 1 and level 2.

Our recommendation works like this. Bear with me and try to follow. For the first four months in level 1, we’re recommending a dusk-to-dawn restriction similar to that imposed on motorcyclists. This permits driving during the daytime but not at night. For the remaining eight months in level 1, or four months if the novice passes an approved driver instruction course, just the midnight to 5 am restriction would be in effect. This now permits supervised driving at night except during the very risky late-night hours.

This late-night driving curfew, the midnight to 5 am, would be extended into level 2. Solo or unsupervised driving during these curfew hours would be prohibited, but driving experience during these hours can still be obtained by the new driver if accompanied by a licensed supervisor.

This proposal can perhaps be better appreciated, I hope, by reference to the diagram at the end of our brief. If you would look at the diagram that’s there, in this representation we illustrate when driving experience can be gained and under what conditions. In the initial segment of level 1, the new driver can gain experience during daylight hours under supervision. No night driving would be permitted, but in the next stage of level 1, some night driving experience can now be gained but under supervision and not during the very high-risk period of midnight to 5 am.

Then in level 2, unsupervised or solo driving during the daylight hours as well as during the less risky night-time hours would be permitted. In addition, driving experience during the more risky late-night hours can now be gained for the first time but only under supervi-

sion. When full licensing is achieved, even these times will be available without supervision.

This is, in our estimation, a more systematic and gradual introduction to the heavy demands of night-time driving.

1450

Our second set of comments relates to passenger restrictions and the accompanying driver. Ideally, in all of the work we have written, we have urged more stringent limits both on the number and the ages of passengers to address more completely the dual problems of distraction and peer pressure. Our work in British Columbia has certainly led us to believe, and we acknowledge here, that this ideal is exceedingly difficult to achieve.

We would recommend simply one amendment to the proposed restriction. During the first level, the accompanying driver must occupy the outboard front passenger seating position and no other passengers can be carried in the front seat, a point that was made during the previous questioning. In this way, the total number of passengers may be reduced, depending on the seating capacity of the vehicle, and only the new driver and the designated supervisor will be in the front seat. Otherwise, the accompanying driver could be in the back seat or, if they’re in the front seat, separated from the driver by an additional passenger, which could be distracting and hazardous.

Finally, some comments on the characteristics of the accompanying driver. We share the concerns expressed by the previous presentation about the accompanying driver. In terms of years of experience, there is some confusion over what is meant by four years driving experience. I think that does need to be clarified, because we’re concerned as well that if by four years driving experience it simply means any amount of driving experience, then that could have been obtained during the graduated licensing phase and this person has just become fully licensed. I don’t believe that’s the intention, but if it is, I would have concerns about it. So in the absence of having further clarification, all I can say is that we would hope the accompanying driver would have been fully licensed for several years.

In terms of a driving record, we also support the concerns that were mentioned by the previous presenters, the Insurance Bureau of Canada, with respect to ensuring that the accompanying driver is someone who does not have a significantly bad driving record. We’re also concerned about the BAC limit, in that if the new driver is subject to a zero BAC requirement, it isn’t clear why the accompanying adult, who’s presumably operating in the capacity of a supervisor, should be subject to a less-stringent requirement.

While our concerns are similar to those expressed, we have an additional concern, which is that if the new driver is in fact liable for the actions, the characteristics,

of the accompanying driver, it is far easier for them to comply with a no-drinking requirement than to be expected to judge whether or not the accompanying driver has a BAC that is less than 50 milligrams per cent. The reason for that is that even trained police officers cannot tell whether people have a BAC of less than 50 milligrams per cent. The only way they can determine that is in the presence of technological support, such as breathalyser equipment. So I think it's putting a fairly heavy load on the new driver.

In summary, as indicated, the number of amendments that could be recommended or suggested for the proposed system are extensive and I'm certain you will have heard just about all of them by the time your hearings are finished. We have limited our comments to those we believe are practical, effective and can be incorporated rather easily. At the same time, we believe firmly that the primary objective should be to implement a graduated licensing system. Thus, a balance must be struck between the need to revise the proposed system to accommodate the more important concerns and the need to move forward. While it is important to do it right the first time, it's perhaps as important to do it, particularly given that the proposed system already has so very much to commend it. Thank you very much. I'd be pleased to answer any questions.

Mr Turnbull: In your submission you don't mention anything about accompaniment when the driver is released to drive on the 400-series highways. When the driver is allowed to drive on the 400-series highways in level 2, do you feel it's necessary to have an accompanying driver?

Dr Simpson: I'm not really strongly in favour or concerned about the road restrictions. I know there's a lot of personal support for road limits and road restrictions because it makes good sense about people not being on those highways, but the evidence about the impact of driving on those highways is less clear.

In the work we did in British Columbia, we were unable to find any strong evidence of a greater risk for these particular groups under those conditions. I don't know what the evidence is in Ontario, but it's for those reasons that I haven't addressed that particular limit. I don't have strong feelings about it one way or the other.

Mr Turnbull: Dr Simpson, you will perhaps have gathered from my comments earlier today that I'm very much in favour of the recommendations that you're proposing. I think it would make for better legislation, but as you say, something is better than nothing, because we've just got to stop the carnage on the roads. I thank you for all of the excellent technical information you have provided to us over a long period of time. I know you are one of the prime movers in Canada for graduated licences.

Dr Simpson: Thank you. There's been a big change. When I first brought this out in 1976, there were many

people who wanted to lock me away. There are still people who want to lock me away, but for different reasons.

Ms Murdock: I'm going to call upon your expertise in terms of Australia-New Zealand. I know—I was told—that it took them nine years to work out their legislation before they implemented it. Given that we're benefiting from their experience in doing it in four, I would sort of like to know the similarities and differences in relation to what we're offering, particularly in the areas that you have specifically mentioned. I would like to say, at the outset, I like the idea of the night-time phased entry that you've suggested and I would like you to comment on the fact that, under your method with the four months, eight months in the level 1, there's been no mention of the recommendation that we're making in terms of the driver education and being able to get your level 1 in eight months instead of 12 months. So if you could comment on that too, I would appreciate it.

Dr Simpson: The systems that are in place in Victoria and in New Zealand have similarities to the system being proposed here. I think that's understandable, because we all know what the risky factors are, and so those risky factors are going to be built into just about every system. What will differentiate the systems across various jurisdictions will not be what really are the pre-eminent risk factors, but inevitably what is a compromise between the demands for safety and the demands for mobility and accessibility.

The New Zealand system that is in place is a compromise from what was originally proposed in the sense that it was the best deal they could work. The Victoria, Australia, system is a classic case in point. One of their prime recommendations was for a night curfew but it would not be accepted. Politically it was unacceptable at the time. They are striving to move forward with it.

It's very difficult to compare the system, except in New Zealand, you have a BAC limit, although it's a 30 milligram per cent limit, but that has to do with the accuracy of the breath-testing instrumentation they have available. They do have a passenger restriction. It has very many of the characteristics of this one. They also have a night curfew in New Zealand. But their system addresses only young drivers, so it's drivers under the age of 25 who are covered by the system, but not new drivers older than that.

The reason for it is they do not have many older new drivers in New Zealand. The demographics of the country are very different than they are here as a result of changing immigration and changing general birth rate patterns in the country. A lot of the nuances and differences that you see are a function of local conditions and are a function of political, social and economic factors.

But I think the basic components are very similar. You see concerns for low BACs among the drivers,

concerns for limits on the number of passengers, concerns for night-time driving restrictions. From there on in, there's a diversity of other features that get built in. Ontario's system, as proposed in the first level, is more stringent than those currently in place in New Zealand and in Victoria, Australia. So it has a lot to speak for it. I'm sorry, you had another question that I lost track of in my ramblings.

Ms Murdock: The four months, eight months in the level 1 and how that relates to driver education training.

Dr Simpson: That system is in place in New Zealand as well. There is basically a credit, a reduction in the length of time you have to stay in a level if you pass an approved driver education course. That's being recommended here. I didn't comment on it because it's part of the proposed system that I tend to support. I don't have any strong, strong feelings about it. I believe it's important to build in now because I see some dramatic changes occurring in the area of driver education and training which I think are going to be beneficial, and I believe we have an opportunity here to harmonize driver education and training with the licensing system, which is very critical. As you know, the licensing system has a tendency to drive the standards for training and education. That is, if the licensing standards go up, the quality of training and education goes up as well, because the primary intent of taking driver education and training for most people is to pass the test. There are some people who are motivated by safety concerns, but a lot are motivated by passing the test.

1500

What we have here is a symbiotic relationship which can only be beneficial and I think to exclude that opportunity from the program now would be an unfortunate one. I like the inclusion in the current program and what I've done is, I've used the four-month provision in the night-time driving in recognition of that, because it would split the eight months if an individual were to get out of level 1 in that period of time, having been given credit.

Ms Murdock: Okay.

Mr Offer: Thank you very much for your presentation. I'd like to ask your thoughts on one of the proposals by the government that deals with the display in the car, the driver display. This morning I indicated to the committee that my eldest daughter is 14 years of age and I can tell you I have some concerns about a general display to the world at large that this is a new learning driver. I think it sends out a whole bunch of messages that I'm not particularly pleased to have displayed. I would like to get, from your perspective, your thoughts as to the proposal made by the government that there be a display in each vehicle that there is a new driver.

Dr Simpson: I've done an about-face on that one. Originally, I was on record as saying that I had mis-

givings about the display system, particularly as a result of two things. New Zealand chose not to introduce such a display, whereas Victoria, Australia, did. New Zealand holds the Victoria system in some disdain. They argue that people who are going to choose to violate the restrictions—for example, drive at night when they're not supposed to—will simply not display the plate. If they do, they deserve to be caught. In other words, what it does is, the opportunity to remove that in fact defeats the purpose of the system, which is presumably to try to enhance the efficiency and efficacy of enforcement. Given that, I was initially quite suspicious about the value of it.

My early discussions in the work we did in British Columbia led to similar conclusions. There were concerns among the enforcement community and there were concerns among some of the new drivers about the potential for discrimination, all right? You're identified, you're targeted, and things could happen.

Subsequent discussions have led me to qualify my position somewhat. More and more of the new drivers I speak to, not the young but the older new drivers, actually favour the system of having some kind of demarcation, because what they believe it does is provide an appropriate signal to other drivers in the environment that here is a new driver, and maybe what they'll do is regard this person a bit more courteously and conscientiously. It's like seeing a driver instructor tag displayed on a vehicle. People tend to react a little differently in that environment.

So, first off, it communicates information to other motorists that may alter their behaviour in a positive way. Secondly, it can provide to the motorist a sense of security, because they feel that others know I'm a new driver and they'll be more patient. I'm not strongly advocating it, but I would say that my position with respect to the use of that distinctive sticker has changed dramatically. Where previously I really didn't have much use for it, now I'm beginning to see some potential benefits.

Mr Conway: One of my concerns with this policy which, in principle, I support for all the reasons that have been advanced—the longer I hear the testimony, the more I feel that one would have to be of another world not to endorse this transparent virtue—is the differential impact in rural Ontario as compared to urban Ontario. Forgetting for a moment the issue of graduated licences, my view is that in rural Ontario where there is no public transport of any kind, the issues are very different.

I live in Metropolitan Toronto four or five days of the week. I don't need and I don't want a car, quite frankly, because while I may not like some of the choices the public transport offers, it's there and I can use it and I can get around. That is not a choice, that's not available to me when I'm out in rural Parry Sound or north

Hastings or where have you.

So I look at this proposal—and, as I say, I accept what we're trying to do here, but I'm trying to imagine the following situation: One is at a rural high school on a Monday afternoon in December where it gets dark at about, what, 5 o'clock. These kids are bused 50, 60 kilometres. There's a basketball practice. I'm looking at the accompanying driver provision, and what we have now is the situation where we might once have had after-school busing but that's probably been lost because of budget cuts. Now we have a situation where the older students probably provide some of the transport, just to get Bill Murdoch back home—

Laughter.

Mr Conway: Well, this is reality. This is a day-to-day reality. So we've got these kids and it's 5 o'clock and they've got a basketball practice and there's no busing. If we accept your rule around the accompanying driver, we've got to find an adult, effectively somebody with four years' post-probationary period, so you're almost certainly looking there for an adult.

I'm trying to think of those high school environments that I have. That's not going to be easy. That is going to have an effect, an effect either way. It can simply put a prohibition so those kids simply aren't going to be able to do what they have done; or it may encourage people to say, "Well, the cops will understand and so will everybody else. This is the way it is in Parry Sound," or, "This is the way it is in Bancroft or Barry's Bay, where you live a long way away from school, so let's do what is reasonable and break the law." What do we do in a case like that? We're not talking about kids going out to party on a Friday night. We're talking about a Monday night in December for a one-hour basketball practice that starts at 4:30 and ends at 5:30. What do we do in a case like that?

Dr Simpson: I think that particular scenario is one of only probably hundreds of different scenarios that can be and will be raised, which will show where there are going to be not just inconveniences but some very tough choices having to be made. I don't pretend for a moment to be able to speak to all of the practical difficulties that will be encountered in the implementation of the system, and I frankly don't see that as my job.

Mr Conway: No, but it's my job, and I want to accept your advice. I'm going to go to this meeting along with Murdoch, that is, Bill Murdoch. You see, it's not an issue in the urban parts of my riding at all, but boy, it's a big issue in the rural parts. I'm going to the meeting and I agree with you in principle and with the IBC, because I think essentially you're right, but the devil is in the details. Now I've got to go to the meeting and face these kids and I'm going to have to have some answers. So agreeing with you in principle, I'm trying to search for the answer to this very real problem.

Dr Simpson: That's why virtually every system that's been introduced inevitably results in a compromise; namely, here's what we think would be an ideal system because we know that those restrictions imposed in that way will provide safety benefits, but then there are concerns about accessibility and mobility, which begin to temper the characteristics of the system.

I don't know that I can answer that particular and specific scenario and I don't know that one can answer all of the specific scenarios that can be raised which will show that it won't work and that there will be conditions that arise in which people will be forced into making a tough choice, and the bad choice which will be made will be to violate the restrictions.

What we have to do is try and ensure that we minimize those cases. In fact we know if the restrictions are too severe and too many, that's exactly what will happen. Moreover, if the conditions are too severe and too many, what will happen is people will wait out the graduated licensing phase; they'll sit around and let time pass, hope they can pass the test, and they may do so, and they will have defeated graduated licensing as well because they're not getting experience.

The system is designed to get people to drive, not to encourage them to avoid driving. So I sympathize. I don't have a simple answer for that practical problem, but it's one of many that I think will have to be addressed.

The Vice-Chair (Mr Mike Cooper): Dr Simpson, thank you for taking the time out this afternoon and bringing us your presentation, and trust that you will follow through as we bring this to legislation.

Mr Daigeler: Mr Chairman, while the witnesses are taking their seat, could the parliamentary assistant clarify for us, because the question has been raised several times, how the ministry interprets a four-years' experience requirement for the accompanying driver. What is meant by it?

1510

The Vice-Chair: Just let me call forward the next presenters and then we'll let the parliamentary assistant respond. I call the Addiction Research Foundation.

Mr Conway: While the parliamentary assistant is thinking about that, can I also make just a recommendation to staff or to somebody? I'm looking at this list and this is a very impressive list of witnesses, but do you know who's not on this list? Some high school students. I'd like, before we're finished, and I don't care who gets them, about six or eight 16-, 17-, 18-year-old kids brought in here. We're talking a lot about their world. I'd like to hear from some of those kids what they think and how we might—

Mr Cooper: With or without licences?

Mr Conway: I don't really care. We've got a lot of interesting advice, but it's their world. It would be kind

of nice just before this is all over to spend an hour or two with a bunch of these teenagers and say: "What do you think? How would you behave in light of some of these circumstances?" Maybe some of us are guessing wrongly. It's something to think about, but before I'm finished, I'd sure like to spend an hour or two with—

Mr Klöpp: Or did the MTO or whatever already schedule

Mr Conway: I'd like to hear, if I can

Interjections.

The Chair: Order, please. Mr Levine, do you wish to respond to Mr Daigeler's request? I recognize that you have a desire to give him the information and he has a desire to get it. We are getting farther and farther behind schedule as the afternoon goes on. Could you briefly address his concerns and then perhaps speak to him after the routine order of business for the day.

Mr Daigeler: It's a matter that really has been raised by several presenters and I think it should be on the record for all of us.

Mr Levine: As it has been included in the proposal, the four years' experience for the accompanying driver relates to four years' experience which would or could be started on day one of holding a G-1 licence within the graduated system. But we have also included reference to a fully licensed accompanying driver, which means that the individual would have had to have passed through the graduated system and become fully licensed. So it's not that the individual must have held that full licence for four years, but rather four years of driving experience and ultimately becoming fully licensed beyond the graduated system or beyond the current probationary system, if one were still to be looking at that.

ADDICTION RESEARCH FOUNDATION

The Chair: Welcome, Mr Mann. We're pleased that you could make it this afternoon and present your views on behalf of the Addiction Research Foundation.

Mr Bob Mann: Let me just say I'm delighted to be here to speak to you today about this important issue on behalf of the Addiction Research Foundation.

The Ministry of Transportation hopes to introduce a graduated licensing system for Ontario. The major goal of this system is to reduce fatalities and injuries among novice drivers. The plans include eliminating the major causes of accidents for new drivers. Alcohol is the leading contributor to highway casualties.

That is why the Addiction Research Foundation is here today. As an agency of the province of Ontario, our mandate includes reducing the social burdens caused from the use of alcohol and other drugs. The foundation is the largest centre for research into alcohol and other drug problems in North America, but our work extends far beyond the laboratory. We put that research to work in the community by providing treatment and prevention

programs. Also, our broad range of expertise has been used to support the development of public policies that can help reduce the harm caused by alcohol and drug abuse.

At this time, we are pleased to have the opportunity to speak on a measure which is designed to reduce a major alcohol-related problem.

Accidental and violent deaths are among the leading causes of death in Ontario with motor vehicle accidents being the largest single contributor to such fatalities. In terms of potential years of life lost, accidental and violent deaths are the third largest cause after heart disease and cancer.

The problem is particularly great among the young. For example, in 1989 motor vehicle accidents accounted for 44% of all deaths in the 15- to 19-year-old age group in Ontario. Alcohol is the leading contributor to death on our highways. In recent years, alcohol has been detected in about 40 of drivers killed in motor vehicle accidents. Again, in young people the problem seems to be amplified.

For all age groups, the likelihood of being involved in an accident is substantially increased after drinking, but in young people this increase is much larger. The societal impact of injuries is much larger than of deaths. The number of people seriously disfigured or disabled as a result of motor vehicle accidents is conservatively estimated to be at least 10 times the number of people killed. Research has consistently demonstrated that the more serious the accident, the more likely that alcohol was involved.

The Addiction Research Foundation applauds the Ministry of Transportation for introducing a major initiative to reduce this problem. This initiative is consistent with progressive measures in other parts of the world. It is based on the best available research and will likely result in the prevention of many needless deaths and injuries every year.

The foundation has a particular interest in the components of the system dealing with alcohol. The proposed system requires that for a period of two years after licensing, drivers must have a zero blood alcohol content, or BAC. Currently, it is an offence under the Criminal Code of Canada to drive with a BAC exceeding 0.08. Under the Highway Traffic Act of Ontario, police may temporarily suspend a driver's licence if the individual's BAC is greater than 0.05.

However, these legal BAC limits do not mean that people with lower BACs are not impaired. Current research indicates that impairment of driving skills can begin with the first drink. Statistics show that the combination of a new driver and even small amounts of alcohol can be deadly. Among fatally injured drivers with a positive BAC, young drivers between the ages of 16 and 19 are disproportionately represented at BAC

levels that fall below 0.05%. Research in other jurisdictions which have introduced similar measures suggest that it can reduce the number of accidents and injuries. For example, when New Zealand introduced a graduated licensing system, injury-related accidents among all drivers dropped by 12%. The percentage involving 15- to 17-year-olds, those most affected by the system, dropped by 40%. In three Australian states—Tasmania, South Australia and Western Australia—introduction of zero or reduced BAC limits for novice drivers resulted in significant reductions in casualty accidents. While some may feel inconvenienced by the proposed system, it is clear that saving lives and avoiding injuries must be the priority.

In conclusion, the Addiction Research Foundation commends the Ministry of Transportation for proposing a well-designed graduated licensing system. It should reduce the number of accidents among novice drivers of all ages and specifically should reduce alcohol-related fatalities and injuries.

The progressive thinking behind graduated licensing not only makes sense in terms of social costs to the public but it may mean fewer tragedies for Ontario families. Thank you very much.

1520

Mr Cooper: Several presenters have come forward and they were discussing the thing about the accompanying driver having zero blood alcohol. That's not what's proposed right now. What's your recommendation on that?

Mr Mann: I'm not in a position to make a recommendation. I think it's a very sensible suggestion. At present, I'm not aware of any research which bears upon that issue, and that's really the perspective that our presentation is from. It's a solidly research-based presentation. I think it's a sensible presentation that ought to be given very serious consideration, and if it is, should be evaluated to see what the impact is.

Mr Cooper: One of the things that was also mentioned earlier, I think yesterday, was the fact that the RIDE program has scared people, so that's really the public information, which has reduced the number of people who are drinking and driving right now. Basically, right now, under graduated licensing, we're talking 16- and 17-year-olds and we're talking zero blood alcohol. They aren't supposed to be drinking legally anyway. How come we're talking about this, first off, and what could be done or what type of solution?

Mr Mann: Why are we dealing with the issue of young drinking drivers? Well—

Mr Cooper: Or young people drinking, even.

Mr Mann: What we have seen over the past few years are some very important changes that have occurred in drinking behaviour and in alcohol-related

problems. For example, I believe in 1981 the proportion of drivers killed who had a positive BAC was about 60%, so six drivers out of 10 who were killed on our roads had a positive blood alcohol level.

In more recent years, it's down to about 40%, so that's roughly a 30% reduction, say, in the incidence of alcohol and dead drivers. We see similar trends, for example, in death rates from cirrhosis of the liver; we see similar trends when we do surveys of high school students. We see that the rate of drinking, say, in our student surveys, among people from 12 to 17 or 12 to 19 is down by, again, 20% or 30%. The rate of drinking and driving is down also very substantially over the past few years.

But because a problem is reduced doesn't mean it's gone away, so over the years we have introduced effective measures to deal with parts or portions of the problems. But again, while we should congratulate ourselves on the successes that we've had, we should not get complacent to the problems that still exist, because that figure of 40% is still, I think, unacceptably high and it's still a figure that we can reduce through such measures as are being proposed here.

Mr Cooper: So your suggestion is that zero blood alcohol for novice drivers is a great educational tool, and if the government went far enough and said the accompanying driver's to have zero blood alcohol content that would be even a better educational tool?

Mr Mann: I'm not necessarily suggesting it's better, because I don't have a basis, speaking from the perspective of the Addiction Research Foundation, on which to say that I guess it would have an impact or not, the suggestion regarding the accompanying driver. Certainly we have a basis for saying that with the zero blood alcohol level for novice drivers. For the accompanying driver, it's a very sensible suggestion. We don't have a basis for saying we know it would have an impact or not. That's what I mean. I'm trying to draw the distinction between what we know from research and what would seem like a good idea.

Mr Hansen: Talking about the driver who's licensed sitting beside the learner, of not having any alcohol at all, I'm just sort of going to come that later on we'll have to take a look at this legislation when it's put in place—like, in Sweden there's a designated driver and that designated driver cannot drink at all.

If you take a look at statistics here in Ontario, if we wound up changing, coming to a law that the driver of any vehicle who was licensed could not drink, then there could be an impact under graduated licensing that someone who has been drinking, say, 0.05, there wouldn't be a designated driver any longer. What's your opinion on countries like Sweden that have a zero alcohol content, to take a look down the road that possibly we could change here in the province?

Mr Mann: There are countries that are introducing or have introduced lower BAC limits, including effectively zero BACs. Those limits are being evaluated right now. It's my understanding that when BAC limits, per se, laws were introduced, at the time, the best available information suggested that's when you saw, say, the limits that were introduced at 0.08 in Canada, 0.10, 0.15, for example, in many parts of the US, 0.08 in the UK and in other countries, that's when they felt, based on research, that they could detect impairment, statistically significant. I hate to use that term. That's when the impairment appeared. That's when the risks started to rise, at that level. Now we know that's not the case, that risks can rise below those levels. These are issues that we may want to consider.

I think we want to look very carefully, if graduated licensing is introduced, and see what the impact is on those drivers of this zero BAC limit, and look very specifically at the number of deaths and injuries and consider what that tells us perhaps about what we might want to do in other areas.

Mr Conway: Mr Mann, as always, the ARF is stimulating. I find some of your data almost incredible, but I hope you're right.

Mr Mann: Me too.

Mr Conway: My friend Offer and I were just chatting about that, and I sincerely hope you're right that the incidence of teenage drinking is down by the amount that you indicated. My anecdotal evidence, and of course it's just anecdotal, would not seem to suggest that, but boy I hope you're right.

I guess that's my one question, and I was the one who raised the point yesterday—I forget who it was; somebody in the public sector—I thought it made the point with me a few years ago around what was it that made the RIDE program work? Apparently the behaviour modification came when all of us as motorists began to think, really think and believe that we might get caught, but it was only when we thought we were going to get caught that we changed our behaviour. I thought that really made sense. I guess it's kind of like your income tax. If you think your chance of getting caught is substantially high, you'll probably be good. If you think there's a fairly low chance, you'll take the risk.

So when I look at this I say to myself, drinking and driving, we know it's really terrible. You shouldn't do it or you shouldn't do it at all. Yet I continue to be amazed. We had a terrible case in one of my communities in Renfrew county a few years ago, a bunch of young kids in a multiple fatality. It was in Renfrew and they had the inquest in the high school to make the point. I've often thought it would be an interesting thing to go back to that school now, two years later, and take a look at attitudes.

I would hope and pray that they are substantially improved, that those young people remember that horrible situation where a number of their peers were killed in a terrible car accident. My question then is, what do we do with these people who clearly—they don't have to be just young people either, although as your presentation makes plain, there is a higher incidence of drinking and driving, I gather, among younger people than older people.

Mr Mann: Not necessarily.

Mr Conway: Not necessarily?

Mr Mann: No, but when they do drink and drive, their risk is higher.

Mr Conway: It's a more dangerous chemistry.

Mr Mann: Yes.

1530

Mr Conway: What do we do? I cited yesterday some data from the chief medical officer of health for the province. He has just produced a report about attitudes of teenagers. Boy, despite a lot of good public education from the ARF and a lot of other people, they are still behaving in ways that are fatal, really fatal. You think, should we pull the money we spend on advertising? Should we just really crank it up to an almost grotesque level to maybe make the point? What do we need to do to get through to some of these people?

That's one of the reasons I want some kids in here. I want some teenagers before we're finished, because we are sitting here in the high chair of judgement, doling out virtue as fast as you can shovel it. It would be just kind of interesting to get some of these kids in here and say: "So what do you think? What's it going to take for you to change your behaviour, particularly around drinking and driving?"

People say, "Well, legislate zero tolerance." I could go into high schools too and say unprotected sex kills; the answer: abstinence. I suspect I'd be laughed right out of the room. I'm sitting here and I'm thinking, let's legislate like the Swedes: no drinking, "Thou shalt not touch the demon rum." But I have a feeling that 16- and 17- and 18-year-old kids are going to look at me and say, "Which planet did you fall off?" So what do we do, as a practical matter, without making ourselves look ridiculous, to change the behaviour that's causing this problem?

Mr Mann: To change the behaviour? I think if I could talk to something you raised, we need to take a realistic look at what's happening and we need to take a look at the trends to understand that. The best evidence we have is that the incidence of drinking, the prevalence of drinking among young people in Ontario is down over the past 10 years. The prevalence of drinking and driving is down over the past 10 years as well. Now, I certainly would not say that it's not still a problem. The inquest that you mentioned, I believe I

was a witness at that and it really was terrible. But I do believe that would have had a major impact on the young people.

We do some work with community centres in areas of this city that have a fairly high use of drugs, anti-drug kinds of things. We had a fairly informal questionnaire where we were asking young people: "What is the acceptability of certain practices? What is the acceptability of using cannabis? What is the acceptability of using crack cocaine? What is the acceptability of drinking and driving?" The young people told us that drinking and driving was very unacceptable, whereas the acceptability of using other kinds of substances was not so unacceptable. So something about what's happened in the drinking and driving area in the past 10 years has hit those young people.

We see in the high school surveys that the number of young people who report drinking and driving is down quite substantially. Now, it's not gone away; I agree with you perfectly. There are other things, other issues that have been raised that we also need to pay attention to. But we can't say that nothing has worked, because something has. We need to take a good look at what we've been doing. We need to take a good look at public education, at enforcement, at everything that's gone on and try to understand how that's contributed to what's happened.

Now, we're able to say that measures such as graduated licensing are likely to be effective based on what we've seen in other jurisdictions. If we were to predict overall trends, if graduated licensing is introduced, we would expect that to contribute to further declines in fatalities among young people.

We can't expect a bolt of lightning to come. Our experience is that we can't expect a bolt of lightning to come and solve the problem overnight. But what we can expect is something like erosion. If we keep at it, then we're going to make significant inroads. In terms of this kind of measure, to paraphrase Herb Simpson, who spoke to you before, if this measure's introduced, there are going to be people alive a few years from now who otherwise wouldn't be.

Mr Conway: I guess the only point I'd make is that it would be really interesting and important for me to know what are the various instruments that work best. I've been here for 18 years and I'm going to tell you that I have heard proponents of a variety of virtuous enterprises oversell the potential benefits of what they're about. We all do it, I suppose, and I guess I just look at some of these issues and think, what is it that does what needs to be done? What are the specific instruments that modify and change behaviours? I sometimes think we spend a lot of time and a lot of money on policies that don't do what we set out to do.

I'll leave it at that for the moment. I've certainly listened to the ARF and I appreciate the good work

you've done. I am really, really troubled, for example, by some of the data that are in that Ministry of Health survey. I just find it absolutely and truly astonishing that people, young people particularly, in 1993 are prepared to take those kinds of risks. I think, what in hell are we doing wrong here? What kind of world have we got?

I look at this and this is one of the older vices that we've had: drinking and driving. It was once the fashion. Everybody did it when I grew up, and it's changed. There have been tremendous changes, I would think because of enforcement. There's a sense now that the stigma, the penalties, are much greater and the enforcement is much more serious.

Mr Mann: Just briefly, I think enforcement is a necessary component, but we have to consider that we need a lot of things. Our experience generally has suggested that you need the full picture, a number of components working synergistically for these things to work. You need enforcement certainly, but you also need public awareness. In this case, young people need to be aware of the law. They need to be aware that enforcement is going to take place for it to have its maximal impact. So yes, I would agree with you that enforcement has had a major effect, but we can't overlook the other factors as well.

The Chair: Thank you, Mr Mann. Your views are valuable and the data you presented to the committee are interesting and valuable as well.

LABATT ROAD SCHOLARSHIP

Mr Gary Magwood: My name's Gary Magwood. I work with a program called the Labatt Road Scholarship and had the marvellous experience of travelling across Canada for the past five years, working with young people on university and community college campuses. I'm going to talk a little bit about some of the mindsets that prevail among the new and young drivers.

I want to look at this whole task, this whole graduated licences issue, and not look at it statistically, not look at it through a tremendous amount of research, but from personal experience and from working very closely with a tremendous number of young drivers.

The thing I have discovered from this five-year trek across Canada has been that by and large we perceive the entire process of driving a car to be relatively simple. I say to the students all the time, "Heck, it can't be that difficult. Your parents can do it." It's very true, because the perception is that all you have to do is climb in the car. If you really want to go back and look at it, an 8- or 10-year-old could climb in a car, steer, shift gears and work the brakes and clutch, because they've been sitting there since they were this high watching the process.

That's where the whole new driver thing unravels, because you're talking about first-generation drivers.

That's where the difficulty lies. As far as young drivers go, they have a very good sense of what the process and procedure is, and by the way, if you don't like their driving habits, have a look at your own, because they've mimicked those as they have mimicked the majority of other things you teach them.

1540

One thing that has to be pointed out is that it is a complex and difficult task. Driving a car requires a tremendous—the inputs. Think of yourself going down Bay Street in rush-hour; doing Highway 401, 12 lanes of insanity. Going across the top of the city is a difficult task. That's a perception that needs to be changed. It's one of those perceptions. With the drinking and driving issue, we've changed the public's perception. It's no longer socially acceptable. I think we have to change the public's perception of the driving task.

Now one of the things we've done over the last short while, and I know you've been bombarded by statistics, is that we have made it a habit throughout the research to track fatalities and to use those as a gauge of how we're doing in terms of success and failure with programs, but we have to be really careful with them. In the next short while, and now, there is the fact that because of the technology of modern motorcars and air bags and deformable structures and the marvellous highways that we have, we're surviving far more serious crashes now. The fatality rate is dropping but the injury rate, the number of seriously injured people who wind up in the trauma units rights across this country, is staggering, and what we have is a cost factor there.

One stat that I want to put to you—it was in the Toronto Star the other day—is that in the last 10 years in this country we've injured more than the entire population of Metropolitan Toronto; we've injured 2.6 million in cars. That is a staggering cost. If you really look at what it costs to crash cars in this country, and without measuring the trauma to the parents and to the relatives and friends of the folks who are killed and/or seriously injured, the real cost of crashing cars statistically is about \$30 billion to \$35 billion a year in this country, nationally; I don't have an Ontario figure. That's a lot of money. As a matter of fact, I think that was the national debt the last time I looked in the paper.

There are a few things I would like to address. One is to stop calling these things accidents—these are car crashes and collisions—and to accept the fact that they are predictable and preventable events.

We look at airplane crashes. We don't call them airplane accidents; we call them airplane crashes. One particular crash comes to mind and is an illustration of how we perceive the driving task: Dryden. How many years ago? Three or four years ago did we not lose an aircraft in Dryden and we lost 28 people and a pilot? Two years was the time, I think, for the inquest into that. I've forgotten how many millions of dollars were

spent, but we were discussing 28 lives and we spent—I know it was at least two years. As I say, I don't recall the money.

The reason we did that is that as a public and as legislators, we perceived the fact that we could do something about preventing that airplane crash. In the two years it took for that entire hearing to take place, we found out that the pilot screwed up. He took off because there was ice on the wings; pilot error. In the time it took to look at those 28 deaths, over 3,000 people died on the roads in Ontario, and we go like this: "They're accidents. There's nothing we can do."

I would like to say that there is, that they are predictable and preventable, and the majority of those crashes, regardless of any other circumstance, is you and I making mistakes behind the wheel of a car. Cars do not leave the road at high speed and roll over. Pick-up trucks do not spin out of control and crash into hydro poles. We drive them off the highway. We roll them over. We drive them into hydro poles.

Despite the technology of the cars, we still get hurt in those cars. When you look at the air bag situation now and you think of all this lovely technology in the cars, keep in mind that if you don't wear your seatbelt shoulder harness with an air bag, it's not going to do you any good. What's happening is people are seeing these as passive restraint systems and not doing up their seatbelts and shoulder harnesses, and an air bag only works on almost a dead head-on collision. It doesn't work on a side impact, rollover, rear impact, all those places.

Counting on technology to resolve the problems that we have with driving, we can improve the technology of the cars and the highways. We've got marvellous barriers on the roads now, and the solution to the 401, the tremendous number of crashes on the 401 was to put a barrier down the median. We stopped the cars crossing the median; we haven't stopped them striking the barrier. So we haven't reduced the crashes with the technology, and one of the primary reasons is the fact that our education, training and testing processes, the procedures that we use to evaluate how you and I drive, go back to the 1930s, 1940s and 1950s. We have made quantum leaps in how we live, and we have literally got a horse-and-cart technology teaching people how to drive. It's staggering.

Along comes graduated licensing, and I look at it and I listen very carefully. I talk to the students and I talk to the young people I've been working with over the years. There are a lot of good components. There are some that are very constructive, and some of them, I tell you, are going to be big problems. As legislators, as law enforcement officers, there are quite a few of them that are going to be difficult.

I have no problem at all with the constructive components, the zero BAC, no problem at all. The attitude

towards drinking and driving that has been discussed in this room today has changed among the young people. It is no longer cool to drink and drive. That's not to say they don't still drink. I can tell you that first-year students drink, but the drinking and driving issue is changing and it's changing dramatically.

The accompanied driving: There are some components of that I agree with. The French have a marvelous system, by the way. They require the parents or the guardians to be the accompanying driver, and the parents and/or guardian have to go through the training and testing process along with the kids. Not a bad idea when you think about it because if there's one area in our lives between adults—and you've got somebody coming up to 14 years old now to learn how to drive—between parents and their kids is this whole issue of driving a car. This is the one area where you could have the best relationship on the face of the earth with your son or daughter, and you climb in that passenger seat as the instructor—I can see the smiles—it unravels pretty quick, doesn't it?

The potential for conflict between parents and their kids at this particular time is very high. But there's also a potential for maybe bridging the gap, maybe bridging the lack of communication that's been taking place and asking parents and guardians to be participants in the whole process. The implication there is that mom and dad kind of could do with some help in the driving process, not just the kids, and I think that's very true.

Limiting passengers to the number of seatbelts and things like that, really, really good. But there's little or no education and training component. It's a very minor part of this whole concept.

Over 6,000 mostly new and young drivers have been in the cars that we've taken across Canada over this past five years, and in this past year, we've put a tremendous number of experienced drivers behind the wheel. We've actually taken the program and put it into the communities, as opposed to university and community colleges. We've had drivers everywhere from 18 to 80. We had a chap 82 years old in Victoria, as a matter of fact. We've had police officers in the cars. We've taught people who work with safety councils. We've had driving instructors in the cars. We've had firefighters. We've had legislators in the cars; quite a few members of this Ontario Legislature came down to—you were there—Ontario Place.

It doesn't matter how many years of experience you've had. This whole experience issue is a bit of a red herring because experience without training is not very valid at all. It's like you can't go out and acquire experience without the education and training component. One of the main cornerstones of our society is education and training: "Go back to school. Stay in school."

Are we not telling the kids that? We turn around and

say, "If you're unemployed because technology's put you out of a job, retraining." Yet for the whole driving thing, one of the most complex and hazardous tasks that we have in our lives, we receive very little education and training. Experience is not going to do it. It's a help, it's in addition to, but the education and training part of it has to be a primary component, and it's very, very effective.

If you want to look at modifying attitudes and behaviours behind the wheel of a car, there's nothing better, I can assure you, than finding yourself in a very awkward, very uncomfortable situation with a car and a bit of a spin or a slide because you have not gone through a procedure to prevent that from happening. None of us likes to be in those circumstances. I don't care if you're 16 or 66; it's very uncomfortable. But if you can learn a technique and process it, if you can learn—and you can, guaranteed—to handle a crisis behind the wheel of a car, it makes a difference as to how you approach circumstances in traffic.

It makes you think a little more about the drinking and driving issue. It's very simple to say, "If you had this much trouble, completely sober, handling the complexities of this task that we set you today, when we go through the skid training and the emergency braking and the collision avoidance, think about this: What would happen if you were in that situation and you were impaired?" You can just see the looks on the kids' faces. They know they would be in big trouble.

The frustrating part is that nobody's ever taught us, first of all, how not to get into the crisis, but nobody's taught us how to deal with a crisis once we're there. I don't care how safe a driver you are, I don't care how many years you've driven; I can look around this room and know everybody sitting in front of me and behind has had several moments behind the wheel of a car—haven't we?—where we have gone, "Oh, that was close. That almost happened. Wow, that was close," and you've related it to friends and family, no question at all. So they happen regardless of the circumstances as to your experience in things.

1550

In four hours on a parking lot, we can do a tremendous amount to look at and teach young new drivers and everybody how to handle a crisis. And you know the best part? It's fun; the kids love it. This acquisition of a driver's licence today is the main transition into adulthood, all right? Forget losing your virginity or taking your first drink; the acquisition of a driver's licence, that's the signal to society today that you're big enough to go out into the woods, as we used to do, and build teepees or whatever. We're not taking advantage of that component. The kids would work twice as hard, as would new drivers, to acquire the licences if that's what was requested of them.

As a matter of fact, our own survey—we did about

3,000 students over a period of four years, 98% of them thought more and better training with periodic retesting was quite acceptable, very surprising to us; 77% of them had no problem with user-pay, in other words paying for the process of acquiring a driver's licence; and 99%, almost unanimous, claimed that training would improve their future driving habits.

It's not the be-all and end-all but it has to be a vital part of this whole process of acquiring a licence, and we've got community colleges right across this province with classrooms, with parking lots, and I believe the figure is about 90% of the population has access to a community college, if not more, and they're sitting there crying for other projects. We already do a motorcycle training program at community colleges. It's a licensing program. You go there, spend two days, \$200, you start from zero and you get a motorcycle licence. It's a great program. You do all kinds of neat manoeuvres and things and it's very effective and again I go back to the element that it's education and it's good fun.

So this whole business of learning not to crash is a learned process; it's not just through experience. It's learned by education and training.

One quote that I came across some time ago, a chap called Edward De Bono wrote a book called *Six Thinking Hats*. He said:

"In times of panic or anger, people tend to behave in a primitive manner"—well, panic or anger and fright, whatever—"This may be because the brain is so rarely under these special chemical conditions that there has been no chance to acquire complex reaction patterns." In other words, if you're not a regular skier or in any sport that has a little element of danger to it at all, if you're not a regular in practice, the first time you're out on the old ski slopes, the old heart goes tickety-boo, doesn't it? Same thing with the driving process, so what he is saying is, "This would mean that there is a very good reason for training people under such emotional conditions"—in other words, under stress conditions. In brackets he puts "as the military have always done."

If funding is going to be thrown up as a reason why not to pursue a much more significant education and training component, I say to you, it's a red herring, because I saw how quickly this province was motivated not too long ago when the meningitis scare came along. We found money all over the place to inoculate every high school kid in the country, because we perceived again that it was a preventable situation. We still have not perceived the fact that we can predict and prevent these crashes.

Education must start in kindergarten. Why not integrate math, science, physics, social skills, visual skills, language, alcohol awareness and all the things to do with driving? Start in kindergarten, start talking to the kids the moment they get on a tricycle.

So I say that I definitely support the graduated licence initiative but only as a starting point, I would say, to revolutionize—I think we have a potential here in Ontario to really turn the whole process around and to—the guy who typed this up for me—"Ontario could win the world"—I love it.

We have an option here in Ontario to set a standard in the world—never mind what they've done in New Zealand and Victoria—right here in Ontario. Thank you very much for your time.

Mr Daigeler: I was trying to ask this question to some of the other presenters; you may be able to give me a bit of an answer: What is happening in the States? We've mentioned all kinds of other countries and, to my surprise, our closest neighbour and the biggest there, we haven't really mentioned it at all.

Mr Magwood: You're right.

Mr Daigeler: What are they doing in this whole field? I'm sure with the experience that you have—and, by the way, if you could tell me a little bit more what this actually is here—

Mr Magwood: Okay.

Mr Daigeler: Perhaps you can answer those two questions.

Mr Magwood: I have to speak only as someone who, as a result of my interest in the whole process, has spent some time with American trainers and teachers at conferences. The Americans are very fragmented because the states are a whole lot smaller in actual size and of course each state looks after, as we do here, the driving issue. There are attempts. Maryland has a program. There are two or three states that are nibbling away at it.

The American mindset that I've discovered is the whole business of anything that impinges on your freedoms, and there's this element of, "If I want to drive my half-ton with the rifle rack in the back I'm going to do it and nobody's going to tell me." I'm being a little facetious but there's an element of that: "There's an impingement on my rights."

By and large—I'll go back to something I said a minute ago—we really, in this country, in Canada, are light years ahead of the rest of the world in terms of what we're thinking about doing and some of the—

Mr Daigeler: You said "ahead"?

Mr Magwood: Ahead, definitely. I've been very lucky over the past couple of years of going to training programs in Europe, training programs in other parts of the world. I've had visitors come over here and participate in our Labatt program and other similar programs. This is only one of a variety. The comments have been, "Jeeppers, we thought we were doing some neat and interesting stuff." We've started working with vision trainers; we're working with sport vision people. There's all sorts of neat stuff that could be done.

Mr Offer: I have a question. Firstly, I very much appreciated your presentation and especially the book. We've been finding ourselves in this book.

Mr Conway: Speak for yourself.

Mr Offer: I've just been overhearing other conversations.

I want to be very brief because I think Mr Conway has a question. Under the graduated licensing system, there's a provision where you get your visual test and then you're in this level 1 for potentially a year, minimum eight months, that you have to go out only with somebody probably 21, 22, 23. Let's get your thoughts. What are the young kids going to do? Where are they going to get, in reality, the experience that everyone is saying is needed, and saying, "Well, you'll get it if you get out there with somebody who's 22 or 23"? What happens in real life?

Mr Magwood: What happens in real life, I would suggest to you, is—and I'll use the term in quotation marks—"kids" are going to just get on with the job regardless. Many of the restrictions on the graduated licence—the night-time driving, the multilane highway—you're really going to be hard pressed to find enough law enforcement officers to go out and enforce an awful lot of those restrictions. You're also creating a potential environment for more conflict between the police and the young people because, whether we like to believe it or not, there is an element of—you know, if you see a bunch of young kids in the car, the police kind of have a tendency to want to go over and check them out. They have more reason to do that.

I'm not offering up scare tactics here. I'm looking at taking the education and training process and revolutionizing how we teach it and how we look at the process rather than looking at all the restrictive components. I am not a big believer in restrictions. I would much rather see incentives. I would much rather see the task recognized for what it is and how it relates to young people's lives particularly, and new drivers' lives, and base our decisions and choices on that as opposed to all these restrictions. I think these restrictions are counterproductive.

Mr Turnbull: Gary, thank you very much. I recall two years or so ago when you gave me privately a presentation of what you've just given publicly now. I was impressed by your clarity of thinking then.

I get from what you're saying that really the key issue is to encourage people to take further driving skills courses. Would you basically find some way within level 2 to encourage them to take these and have some sort of bonus in terms of getting through the system for doing this?

Mr Magwood: I hear what you're saying. In response to what is the incentive and what's the initiative to take more training or to go to a program that

provides you with some crisis management, the testing and evaluation process is what really has to change. The way we test and evaluate right now—I mean, if you can walk through that doorframe, by and large you've passed your eye test. It's pretty minimal. You peer into a little container and literally somebody with no technical expertise just takes a quick look and really, if you can count your fingers you've got a driver's licence.

1600

If you could amp up the whole process of how you evaluate and how you test—in other words, you set a test that had some significance to it—then you're going to have to participate in the education and training in order to acquire it. It's no different than if you want to be a whatever it happens to be; there's a process whereby you qualify to be that doctor, lawyer or Indian chief. You don't just suddenly become a technician; you don't just suddenly become a mechanic. I mean, you've got a five-year apprenticeship to be a mechanic to work on a car. You haven't even got a five-year apprenticeship to drive the darned thing. It's the testing.

Mr Turnbull: Would you foresee that we toughen up the testing of level 1 or the exit for level 2?

Mr Magwood: I would like to see both. It's not a case that you're going to run into a situation where people can't perform the task. Everybody can do this task. We're amazingly adept. I don't know how much experience all of you have with computers, but I've just been recently introduced to them. I still write letters by longhand. However, when I look at 14- and 15-year-olds, and 12 and 13, working computers, where did that come from? The incentive was there to, first of all, learn about it. Secondly, there's a fun element to it and it demonstrates to me that regardless of how complex a task is, if you create the environment for it, you're going to learn; you're going to achieve that level of performance.

Mr Turnbull: And in terms of inducing people to do it—because you were saying that you're greatly in favour of encouraging people rather than legislating people to do it.

Mr Magwood: Move them through the system more quickly. In other words, the incentive—if you take more than what is just basically required to achieve these things, move them through the system more quickly. The incentive is, you get your licence. The more you learn, the more you study.

Mr Turnbull: What sort of additional cost over current driver training would that incur, let's say, if we were to do skid training?

Mr Magwood: If you were to put programs together—and already Georgian College up in Barrie and we've been looking at a program in Centennial here in Toronto—we're quite sure that we can—I won't use the word "process"—move students through a program

for about \$100 to \$150 per person, doing about three and a half to four hours in a car on a parking lot. That is enough not only to pay for it but to make sure the folks who are doing it get paid and the facility's looked after and paid for. That's not a huge cost. Goodness gracious, it's not a lot of money.

Mr Turnbull: Your indications are from your surveys that the students would be prepared to pay this?

Mr Magwood: The students have indicated to us they'd be quite prepared to pay. Just one thing is, the students have told us that after having gone through the process.

Mr Gary Wilson: I want to say how much I enjoyed your presentation and I'd like to say again how much I regret—again, I've carried this regret around for quite a number of months—missing you in Kingston. I want to commend your assistance.

Mr Magwood: We're coming back.

Mr Gary Wilson: When I saw that you were on here, I wanted to say, just where do you see this graduated licence in the order of things we could do to make driving a safer experience? I have some idea. Because I want to get on to one other thing. You mentioned the pilot in Dryden, which of course is a major tragedy. I don't remember all the details, but I do remember he was flying to a schedule. That so often happens. You're in a context and that includes driving. You can think about it all you want in the classroom and other places, but until you get behind the wheel—that's when it really matters. You're rushing here and there.

Mr Magwood: That's right.

Mr Gary Wilson: So I'm just wondering then whether we've done enough to make driving the kind of experience—I just notice the car that's advertised here is a Probe, but I know there are cars called Charger and you go through all the other names that don't really fit in with the kind of experience driving is. I'm just wondering what you think about some of the things that—is there a hope in this way, that we can move driving to an experience that's—

Mr Magwood: It's really complex, because the whole driving issue, what is so fascinating about driving to me is the fact that I look at it as a metaphor for how we live. All our attitudes and how we relate to one another is reflected by the driving. You can have cars called Probes and Chargers and all these exotic names. I mean, look at the lifestyle commercials on television. All that is out there.

What I can tell you from experience is the fact that obviously, when we go on to university campuses particularly and also the community colleges, we get the young guys out there who have got the Probes and the Chargers and the Mustangs and cars like that. I mean, they have literally shown up with their driving gloves

and they are ready to come out and show us all they know. Invariably, they have a pretty hard time, because what they've done is they've perceived the fact that, "Hey, this can't be too complicated," and what happens to them is they step back a tiny bit, because the next thing they see—I'll just tell you very quickly. We actually set up quite a dramatic collision-avoidance exercise where you actually have to come on to a skid path, quite a slippery surface, and you've got to get on the brakes and take corrective steering action. You have to actually avoid what we call five kids walking across the road—they're cones about this high. We do it by the incentive that we give them to make this choice and decision, because the instructors literally step in front of them on the skid pad and they have to hit on the brakes and steer. That catches their attention.

Mr Gary Wilson: Yours too.

Mr Magwood: Fortunately, they haven't done us too much damage so far. What happens is, particularly these young guys, they trash all these cones. They've got three buddies in the car, so now we've got an interesting peer pressure thing going here, and the result is that they're chagrined because they have suddenly realized that, hey, they can't maybe make this thing happen. They'll come back up and you can see them: They're getting a little more angry, they're a little more frustrated. Their buddies are giving them a hard time, which is what happens in a car on the highway. But what happens here is the incentive now becomes, "I'm going to do this thing," and I just simply say: "Listen, it's not complicated. All you've done is locked your eyes in on the cones, and where you looked is where you steered," etc. "I want you to do it this way the next time." Bingo.

The satisfaction—I'm going to really dial in on the guys because it is them. The satisfaction, the look on their faces of having accomplished this—and I know, when they go out of there at the end of the day, that their attitude has changed, not quantum leaps, but there's an attitude change that is going to have some bearing on how they deal with a future crisis and maybe the fact that they're not going to get themselves into quite so many situations where they're going to have to deal with the crisis. But I can only give you that as observation of personal experience.

Ms Murdock: I'm going to forego my question because I know the time is limited, except to ask you when you're coming to Sudbury.

Mr Magwood: I'm not doing Sudbury, but we'll be back in Toronto soon.

Ms Murdock: I knew it. No, but Toronto is Toronto; Sudbury is northern Ontario. Driving in snow in northern Ontario is different than driving in snow in Toronto.

Mr Magwood: We'll come up and visit you.

Mr Dadamo: Mr Magwood, thank you very much.

I just wanted to say you've taken sort of a rigid issue, a very serious issue, and I know that you motivate people—you'd be a great motivational speaker—and made some fun with it, and I appreciate that.

I took the course at St Clair College in Windsor on a Saturday morning, and I was saying to my colleagues that I've never gotten into a car—or I've handled it differently any more since taking the course, because I look ahead and I think ahead and I know how I would react if I were sitting on the shoulder of the road or something like that.

The book is fantastic, by the way. I think it's very, very good. You were mentioning on page 3 how people drive, the crotch grip and the praying mantis. I wanted to say that I had a brother-in-law at one time who drove with his left leg up on the dashboard. I remember my brother driving with his knee in high school. So there are some really weird ways of doing it.

I just simply wanted to say that I think everybody should take the course because, all kidding aside, it's very, very serious, and that you'll never drive the same as you were, after you take the course.

Mr Magwood: And keep in mind, I'm not here advocating just the Labatt Road Scholarship. It is only one initiative. There are all kinds, and there's no shortage of people to teach this, I can assure you, no shortage.

Mr Dadamo: And it's worth the three or four hours that it takes.

Mr Conway: On the parliamentary secretary's last point, I'd like this question: What is your honest assessment of the quality of driver education as you see it across the province and country? And I want an honest, truthful assessment because the practical effect of this policy is to put a lot more emphasis on people's participating in that education and training. So what is your sense on this?

Mr Magwood: Let me just say very carefully that the driving educator, the driving instructor, has been the butt of a tremendous amount of humour over the years. The result is that, by and large, they're underpaid, undertrained and not respected for what they do.

There's a tremendous number of dedicated instructors out there, but there are also a tremendous number who are ill-qualified, and again it's not because of their inability to perform this task; it's because of the whole education and training process. I would say to you, looking at the number of folks we have actually trained in the cars who have been driving instructors, that the training and education is sorely, sorely lacking and the quality is not what it could be.

The Chair: Thank you. The committee sincerely appreciates your appearance here this afternoon. I think it's fair to say you've caught everyone's attention in the room. I myself will no doubt find myself in this book

somewhere. I intend to study it very closely.

We hope that you stay in touch with the committee as we continue through the process on graduated licensing, and we thank you again for coming.

1610

COALITION OF MOTORCYCLE ORGANIZATIONS

The Chair: The next scheduled witnesses are the Motorcycle and Moped Industry Council. Welcome.

Mr Robert Ramsay: Thank you, Mr Chairman. It's a pleasure to be here today and to have this opportunity, actually, to speak on behalf of the Ontario Coalition of Motorcycle Organizations. With me today is Mr Rick Bradshaw. He is with the Canadian Motorcycle Association. My name is Bob Ramsay. I'm the executive director of the Motorcycle and Moped Industry Council.

The coalition makes up a whole bunch of different groups. In the submissions that were handed out, you will see all the different groups that participate in the coalition. Together we are here on behalf of the Ontario Coalition of Motorcycle Organizations, which is an umbrella group that represents over 6,000 licensed motorcyclists.

At the present time, there are over 485,000 people in Ontario who are licensed to drive a motorcycle. Each year, approximately 10,000 to 12,000 more people obtain their class M licence.

The coalition supports the concept of an effective graduated licensing system for all new drivers. Motorcyclists are often the victims of poor driving habits of other road users. Studies by the Traffic Injury Research Foundation and other reputable organizations have found that two thirds to three quarters of all multi-vehicle accidents involving motorcyclists are the fault of the other driver.

In recent years, progress has been made in improving the safe driving habits of motorcycle riders. Since 1982, the number of fatalities involving motorcyclists in Ontario has decreased 49.2%. The coalition believes that motorcycle rider training has been a very important factor in reducing accidents and improving rider safety. As currently structured, following completion of the course curriculum, participants are able to take the required ministry examination to obtain a class M licence without the inconvenience of having to schedule an appointment at a Ministry of Transportation test centre. This arrangement between the Ontario Safety League and the Ministry of Transportation has been in effect since 1982 and provides an excellent incentive for taking rider training. It also helps relieve the burden of testing motorcycle riders at examination centres across the province and provides a superior level of skills evaluation.

The coalition has studied the proposed graduated licensing system in detail. We support its general direction and the safety factors on which the graduated

licensing system is being based. However, the Coalition of Motorcycle Organizations would like to offer the following recommendations to improve, in our opinion at least, the proposed graduated licensing system.

First, we propose that a motorcycle advisory committee be established to discuss ongoing safety initiatives as well as possible amendments and/or refinements to the proposed graduated licensing system as it is implemented. The benefits of this would be to improve two-way communication and understanding, communication between the ministry and motorcyclists. It would also help develop a high level of support for the graduated licensing system among motorcyclists, and developing public support is a key ingredient of why and how effective a licensing system is.

Second, we recommend that the duration of the level 1 (M-1) licence be extended to a minimum of six months but that the minimum time frame be reduced to 60 days if the applicant successfully completes a ministry-approved motorcycle training course. Again, the benefit to this is that it provides a greater incentive to take rider training, and to take rider training earlier rather than later.

Our third recommendation is that the level 2 (M-2) period for motorcyclists be reduced to 18 months from the 22 months proposed. This would ensure a consistent total length of time to obtain an M licence and a G licence. Again, the benefit is that it would be more fair and equitable and would cause less dislocation from one class of licence to another class of licence. If you start having different total time frames, then people will want to move one way or the other.

The fourth recommendation is that where facilities exist, the level 1 (M-1) exit test be the well-proven and widely accepted motorcycle operator skills test. This is the test that is currently used at most colleges across Ontario, and as you have heard from the previous speaker, many people who obtain their motorcycle licence already take motorcycle rider training. Unfortunately, that doesn't happen with nearly as high a percentage with car drivers. But this has been a very effective test, it's a very good test, and we believe it's one of the reasons, among many others, that the rate of fatalities among motorcyclists has decreased significantly.

Our fifth recommendation is that the level 1 exit test be permitted to be taken by applicants at the ministry-approved motorcycle training course sites. That is currently the case; we're hoping that will be extended.

The sixth recommendation is that instructors at ministry-approved motorcycle training courses be authorized to administer the level 2 exit test onsite for applicants who qualify and wish to obtain a fully privileged class M driver's licence. Again, this ensures a high level of skills evaluation. It also helps to reduce the burden at ministry offices. Most ministry offices do

motorcycles as a sideline; their primary function is to examine car drivers. We think that by allowing the level 2 exit test to be done at community colleges or other ministry-approved sites, it would greatly reduce the burden on the ministry.

Our seventh recommendation is that level 1 motorcyclists who accumulate six or more demerit points be restricted from progressing to level 2 for a minimum of an additional 12 months and be required to complete a ministry-approved rider rehabilitation program. A rehabilitation program is not mandatory training. There are rehabilitation programs in several states in the US. There are rehabilitation programs that are being developed by the Canada Safety Council. These programs focus specifically on the problem that the driver is facing, or in this case, the motorcycle rider is facing.

Some people have problems with substance abuse. Some people have problems with a lack of skills. Other people have problems with not knowing enough about the laws that are in force. Still other people have a bad attitude: know all the laws, have all the best skills, but choose to obey none of them. So we suggest that there be rider rehabilitation programs not only for motorcyclists but also, obviously, for car drivers.

1620

Our eighth recommendation is that the level 2 or fully privileged class M licence-holders who accumulate 12 or more demerit points be required to complete an approved rider rehabilitation program and be required to revert to level 1 to earn full licensing privileges again.

From what we understand, currently, if you reach 15 your licence is suspended. Many people ride or drive with suspended licences at the present time. It's equally if not more important to ensure that we target those people with proper and appropriate rehabilitation programs to ensure that they don't just go out and break another law, and that is, driving without a licence.

The primary objectives of the coalition's recommendations are to improve traffic safety in general and motorcycle rider safety in particular. The advantages of the recommendations offered by the coalition are more positive incentives to take rider training, incentives to take rider training earlier in the process, early intervention to address problem drivers and riders and lower costs to the government.

Thank you for this opportunity to address the committee and to present our recommendations.

Mr Turnbull: I think I should leave my time to the Chair because he's so interested in motorbikes.

Mr Conway: We've got some motorcyclists here. I think we should defer to them.

Mr Hansen: One of the earlier reports was—I'm going to ask this question again—that 2% of registered motor vehicles in Ontario are motorcycles.

Mr Robert Ramsay: That's correct.

Mr Hansen: But yet the fatalities on the road are 6%.

Mr Robert Ramsay: That's correct.

Mr Hansen: Just to get a second opinion, and from motorcyclists—I made the point that I got injured in a motorcycle accident which wasn't my fault, my neighbour just about lost his foot which wasn't his fault and another one of my friends got killed by an impaired driver, so I can pick three out who have had accidents where it was actually the driver of the car. Could you comment? I noticed you commented a little bit at the beginning of your—

Mr Robert Ramsay: Yes. There have been many studies done in this area and you're absolutely right. One of our real concerns among motorcyclists and the motorcycle industry is that many motorcyclists are injured in accidents and yet the studies that have been done, two such studies, one done by an organization that appeared here earlier, the Traffic Injury Research Foundation of Canada, showed overwhelmingly that two thirds to three quarters of all motorcycle accidents involving another vehicle were the fault of the other vehicle.

As a consequence, it's imperative from our standpoint that graduated licensing apply equally as strongly to automobile drivers as it does to motorcyclists because a lot of the people who use motorcycles are being injured by car drivers or other vehicle users. These are studies done by independent groups. The Traffic Injury Research Foundation, Dr Herb Simpson, who appeared here earlier did the major study in Canada on this. By implementing graduated licensing, we're quite confident that would help make people more aware of their responsibilities on the road, and therefore make sure that they hit motorcyclists less often, because a motorcyclist doesn't have much protection. He's got his helmet and that's about it, and if a car hits you, you can get hurt quite seriously.

Mr Hansen: I realize that you were here on Bill 164 and made a presentation to the government, which wasn't too long ago, and it came up to the same point, that you really haven't been rated properly as motorcyclists because of the fatalities involved with motorcycles compared to cars, but the damage is less. You've brought some of those points forward. Anybody who wants to look at a little bit of research, I think could look back at some of the reports you handed in.

One thing that I find very unusual, and I have a class A licence also with the motorcycle, is that for any test I go in for—I go in every year and write the test to renew my class A licence, but for any G driver—there wasn't any question on there on how to deal with a motorcycle on the road. Even with the testing that goes on, if there doesn't happen to be a motorcycle in the path of the car being tested or the driver being tested, there is no information on how you deal with a motor-

cycle on the road. Would you like to deal with the education or testing part?

Mr Robert Ramsay: You make a very good point, and that's one of the things we brought to the Ministry of Transportation last year when we were meeting with officials. They have been good enough to make some amendments, but we'd like to see them go further.

In their booklet for motorcycle operators that they hand out when you're first getting your licence, there's been more information put in there, but there's literally no information or very little information for car drivers on this same aspect. Therefore, a car driver doesn't appreciate the obstacles or the presence necessarily of motorcyclists. Some car drivers wonder why a motorcycle moves around in its lane. I've often talked to people who are non-motorcyclists and they wonder: "Well, how come he moves from here to there or there to there? He's just acting up or showing off or something like that." There are very strategic reasons when you're driving.

In one of our groups that make up this coalition, Motorcycle Training Program, Chief Instructors and Instructors, you learn that when you're riding a motorcycle, if you drive in a certain location all the time, you'll tend to be missed. You have to make yourself visible to the people around you. As well, there are things on the road that don't affect a car but can be very serious for a motorcyclist. A pothole doesn't seem like much to a car. You can drive right over it. If you hit a big pothole on a motorcycle, you're in big trouble. So you have to know, you have to be aware.

In fact, when I got my motorcycle licence, it made me a much better car driver because one thing they teach you is to always shoulder-check. If you're on a motorcycle and you don't shoulder-check, you'll be history very quickly, so you always shoulder-check.

Mr Conway: What does that mean?

Mr Robert Ramsay: Shoulder-check is when you look over your shoulder before you turn; sorry. You've got to check over your shoulder before you move. In a car, I've seen hundreds of car drivers just move over. They didn't know I was there, but fortunately I knew they were coming and so I was able to get out of the way, because the other benefit of a motorcycle is you're a lot more manoeuvrable. You can stop quicker. You can start faster. You can manoeuvre much more quickly.

I've been in two accidents in my life, both in a car, which I could have avoided if I was on a motorcycle. I got rear-ended both times. I could have avoided that, because I can pull up on a motorcycle and around and off to the side much more quickly than in a car.

In fact, if you look at accident involvement rates, motorcycle accident involvement rates are much less than car accident rates. It's about one tenth the car accident rate, because motorcycles are much more

manoeuvrable and motorcyclists by and large are much more scared of getting slammed by a car. We drive very defensively, the vast majority of us. Admittedly, there are some who just don't learn, but the vast majority of motorcyclists are very responsible riders.

Mr Cooper: Just to let you know, I am a graduate of the motorcycle training course at Conestoga College, and I am also a member of ABATE of Ontario and Bikers' Rights Organization. Mr Hansen and myself have been working hard trying to get the May Proclamation that BRO is advocating, and we're having great difficulty with that for various reasons.

Mr Conway: The what?

Mr Cooper: The May Proclamation. It's a motorcycle safety awareness program during the month of May to let people know that motorcycles are back on the highway, because, as was stated, most of the accidents that you're involved in on a motorcycle are the fault of a car driver.

One of the questions I have: You were saying after 15 demerit points dropping it back down to a G-1 or M-1?

Mr Robert Ramsay: Yes.

Mr Cooper: Is that viable?

Mr Robert Ramsay: I believe it's not only viable, it's very worthwhile, the reason being that if you accumulate 15 demerit points at the present time, and under the proposed legislation as I understand it, you would have your licence suspended. There are some drivers and some motorcyclists who, when their licence is suspended, continue to drive, continue to operate a motorcycle. It doesn't make any sense. If you're going to accumulate that number of points, you're obviously either not respectful of the law or have no idea what the laws are, and therefore many people continue to drive.

It makes much more sense to try to rehabilitate these people, to try to educate them, to try to ensure that they do abide by the law than to just take their driver's licence away and then on a Saturday night they'll go out and drive anyway. Many people who get into fatal accidents are people who have already had their licence suspended.

1630

Mr Cooper: I know one of the things people talk about is that people should go for retesting every five years or 10 years. I think this might be a viable alternative. If you find that somebody has difficulty with driving, obviously because they're losing the demerit points, this might be the way to go. I could advocate for something like that. I honestly advocate for everything you have proposed, because I understand how dangerous it is riding a motorcycle in the springtime. Usually that's when you come out, and usually there's still sand on the roads. There's where a lot of the things, where inexperienced riding will take over and that's where you

see your fatalities, usually with the younger kids: first thing in the spring because of the inexperience. I would even support the mandatory courses for all motorcycle riders, before they can get their licence.

Mr Robert Ramsay: I wouldn't want to support mandatory training, mainly because we look at the system here in Ontario versus the system in Quebec. The system here in Ontario has been much superior than where there is mandatory training, in Quebec. We actually train more people in Ontario than they train in Quebec.

I think you'll hear presentations later on, if you haven't heard already, that the training program in Ontario is probably, among motorcyclists, the best in the world. As a percentage of the number of drivers or motorcyclists who get their licence, about 50% to two thirds of everyone who gets their licence in Ontario is going through a motorcycle training course right now.

The beauty of that is it is a user-pay system. It doesn't cost the government anything. In fact, we're saving the government thousands of dollars by reducing the fatalities and injuries. By the way, the injury rate has decreased over 58% in the last 10 years. Humber College, Centennial College, Conestoga College, the colleges across Ontario, are excellent at providing rider training.

We'd like to see that for cars. To be very frank, we'd like to see a level of professionalism among car schools and driver training that there is among motorcycle schools. Each of these people is certified each year. They have to meet very high curriculum standards that are regulated by the Ontario Safety League, as well as the Canada Safety Council. The industry itself provides something like \$1.6 million worth of motorcycles for the rider training and they're all specifically sized bikes for rider training.

We think it's an excellent program. We think the incentives should be there for continued rider training. By moving it into level 1, there is more incentive to take rider training that in level 2, as it's being currently proposed.

Mr Cooper: The first thing I rode legally was a moped. I'll say legally because all you needed was a G licence for that. Why the difference?

Mr Robert Ramsay: Why the difference?

Mr Cooper: Why not a motorcycle licence for a moped?

Mr Robert Ramsay: I'm trying to remember now. There is a second class of unit. It's called a scooter or moped or motor-assisted bicycle. It has a separate definition of what it is. It has to be less than 50 ccs. It has to have pedals on it, things of that nature. So it's quite a different bike. It cannot be operated on highways. It cannot be operated in most traffic circumstances.

Actually, one of the things that we would like to see is for those small motor vehicles—the scooters, the mopeds—to continue to be under a G licence, because those are the vehicles that people could use to get around town. If we want to ever reduce emissions from cars, if we want to reduce parking problems, if we want to reduce the wear and tear on highways and that, these little vehicles, which get 100 gillion miles to the litre, would be excellent. They use them in Europe. They use them all over the place. They would be ideal for Toronto or any major cities. It's a much more economical, much more environmentally friendly means of transportation than driving your car to the variety store to pick up some milk.

Mr Klopp: Maybe I misinterpreted. I don't drive a motorcycle and I try not to run over them, either.

Mr Robert Ramsay: Thank you. I appreciate it.

Mr Klopp: Anyway, your colleague was bringing up that if you get a lot of demerit points, you don't pull their licence, you actually put them back to another level, the theory being that they may drive without a licence, breaking the law, really. But what about a vehicle permit, someone driving without that licence? How do you say to one, "Your motorcycle, we're not going to pull your licence because you might break the law"? What about—

Mr Robert Ramsay: I would suggest the same thing for an automobile. I attended a meeting of the CCMTA, which is the Canadian Council of Motor Transport Administrators, and there were presentations done by the Canada Safety Council, which is currently developing driver rehabilitation programs for use in other provinces. We think it has much applicability here in Ontario as well. It should apply, because education is the cornerstone of our whole society.

If we're going to improve our society and address specific questions—because there are many different questions to be addressed here, as I mentioned earlier. Some people have substance abuse. Drinking drivers have a substance abuse problem. That's very different from the person who doesn't have a drinking problem but who goes out and breaks all the laws anyway. You have two different problems you're addressing there, which is different again from a person who doesn't have the skills or the knowledge of the laws, who just needs to be updated on the skills and the knowledge. So you have to focus your rehabilitation program on what the problem of that particular person is or what area needs to be addressed by that particular person. So I think it has as much applicability to automobiles, if not more, than to motorcycles.

Mr Klopp: On that point, I would agree with you. Your argument is consistent then.

Mr Daigeler: My question actually, following your presentation and the presentation we had yesterday, is to

the parliamentary assistant. I'd like to know from him or his officials what the view is of the ministry regarding the first two proposals in terms of the duration of level 1 and the duration of level 2. I'd like to hear from you on these suggestions, which strike me as very reasonable and making a good case. I want to hear whether that was considered and whether the ministry is inclined to follow that advice or not.

Mr Dadamo: Would you mind if one of our real experts answered the question?

Mr Daigeler: I didn't want you to be that honest.

The Chair: There's a real expert making his way to the microphone.

Mr Dadamo: These are the people who put the program together.

Mr Daigeler: But the decision still rests with the government.

Mr Levine: The decision to have level 1 for the motorcycle considerably shorter was based on the practical aspect that with the motorcycle, we don't have an accompanying driver. We grant the level 1 licence on the basis of a vision and knowledge test but absolutely no practical demonstration of skills. So we are in that way concerned and would like to keep that period as short as possible and still make it somewhat practical, keep it to the two-month period so that we don't have an extended time during which a person is licensed but hasn't shown a capability with skills. We think there is sufficient difference between operating an automobile and operating a motorcycle: the automobile with an accompanying driver to give some assistance, and the motorcycle on which you're virtually going solo all the time.

1640

Mr Daigeler: If I understand you right then, you're saying for the motorcycle, because there is no accompanying driver, you'd rather catch those more quickly who after two months are not able to move on to the next test level. Is that what you're saying? You wouldn't want them on the road for six months, as these people are recommending, because you are afraid that if they can't pass the test, then they would be on the road for another four months.

Mr Levine: No. I think the essence of it we both understand. We would like to have those people come in and demonstrate their skill on a motorcycle as a means of giving everyone some assurance that they possess the skills to be out there as early as possible. On the other hand, if we were to extend the period to six months or longer, we feel this may be an opportunity for some who would like to ride a motorcycle to use the level 1 licence as a seasonal licence. Rather than ever becoming licensed, you just come in every spring, do your vision and knowledge test, get your licence for that summer and you don't bother to progress. You can

come back next year and do the same thing again. There's never any demonstration of skill in that case.

Mr Daigeler: I understand the reasoning of the ministry, but I'm wondering why the presenters—including the gentleman who I think is still here—who were here yesterday, I guess, were not convinced of this reasoning, so I'd like to revert back to the presenters, if I can, and ask you for your comments on this.

Mr Robert Ramsay: I'd be very pleased to give comments. First of all, the comment about renewing it annually or using it as just an initial step to get it originally: According to the regulations that we have seen, there is a renewal exclusion of five years, so you can't renew it annually. The fact that somebody was going to come in annually and use this as a six-month period is excluded by regulation; they have a five-year non-renewal provision after the first year. But that just deals with that particular point.

Our major concern, of course, is twofold. You're putting automobile drivers out there and motorcyclists out there who have only gone through a written test and an eye examination. In the case of the automobile users, they can go for 365 days and maybe have no accidents, no involvement whatsoever. In the case of motorcyclists, they can go 60 days and then they have to either take their test, or by the end of 90 days they're done.

Our concern is that if you go in on a Tuesday and get an R licence for a motorcycle, by the time you can schedule your test at a driver's examination centre sometimes the wait is a lot longer than 90 days. Other times, it makes more sense to direct these people into rider training right up front. The way the system is proposed now is there's no benefit to taking rider training until you've already exited out of M-1 and into M-2, because there's nothing to shorten.

By putting there the minimum time frame of 60 days, as has been proposed, and a maximum of six months, it allows the people time to learn the skills—after all, that's what graduated licensing is all about; it's developing skills and less risky situations, and these people are kept off of the 400 highways, they can't have any alcohol, they can't have passengers, they can only ride during the time that the sun is up.

By doing that we're encouraging them, through our program, our proposals, to take rider training earlier rather than waiting, because we think it's better that they take rider training earlier; and secondly, to set a maximum time frame so that they can't renew it annually but they can do it within the time frame that they have their R licence, because 90 days in some cases—I'm from a small town called Wyoming, Ontario. I have to go to Petrolia to get my licence. If I book in Petrolia today to get my R licence, I might have to wait 120 days before I can get a driver's test for my motorcycle. There's a humongous length of time in rural areas to get drivers because the people are only there maybe once a

week or twice a week. So our point is that under the current regulations I could drive for 90 days but then I'd be prohibited from riding my motorcycle for 30 days, and then I could go in on this particular date, take my test and if I pass I pass, and if I fail I can't try again for five years. That just doesn't make sense.

Mr Daigeler: It would seem to me something that the ministry should take a look at again. I guess it's one of the things that, as part of the hearings, hopefully will lead to some revisions.

Mr Levine: I don't agree with your assessment that if you pass you're okay and if you fail you can't come back for five years. That's not built into the system in any way, or if it is it's certainly not intended to be built that way.

Mr Robert Ramsay: It's right here.

Mr Levine: Maybe after we can sit aside and discuss it and review it.

The Chair: I'd like to thank the Motorcycle and Moped Industry Council, and both of you gentlemen for taking the time to be here this afternoon and present your views. We trust that you'll stay in touch with the committee as we go through the process on graduated licensing. Feel free to contact the clerk of the committee, any sitting member of the committee or indeed your own local MPP as we proceed through the process.

ROYAL INSURANCE CO OF CANADA

The Chair: Next is Royal Insurance. Good afternoon and welcome. I apologize for being somewhat behind schedule. We're trying valiantly to stay on schedule, but this is a very important issue and we wander a touch from time to time. We appreciate your coming here this afternoon. You've been allocated a half-hour and the committee would appreciate at least half of that, if possible, for dialogue and questions and answers.

Ms Judy Maddocks: And requests for reduced insurance rates.

The Chair: Or other related issues.

Ms Maddocks: Or other related issues, okay.

Thank you for the opportunity to appear today and express Royal Insurance's views. I'm joined by my colleagues Linda Matthews, vice-president of our Ontario Personal Lines regional office, and Jewel Kelly, head office claims specialist, rehabilitation. Linda and Jewel will answer any questions you may have at the conclusion of this submission.

Royal Insurance is one of the largest insurers in Ontario, with automobile premium writings in excess of \$220 million, excluding commercial risks. We have approximately 184,000 Ontario automobile policies in force. We service another 28,000 policies on behalf of the rest of the industry in our capacity as Ontario's largest Facility Association processing carrier. Royal handled more than 100,000 Ontario automobile claims in 1992.

We believe strongly that our obligations to our policyholders extend beyond simply paying claims. We subscribe to the view that we have a moral and ethical responsibility in the area of loss and injury prevention.

We are proud, therefore, to be the founding corporate sponsor of Heroes, North America's largest travelling multimedia presentation, which targets teenagers and promotes injury prevention. Since April 1992, Heroes has been seen by over 104,000 viewers, mostly teens, has been staged 238 times, has been featured in 51 locations across Canada and has travelled over 64,600 kilometres. Royal funds this program at the rate of \$250,000 per year. We are pleased to leave each of you with a video which provides a powerful overview of the Heroes program.

For several years, Royal has also been the sole corporate sponsor of a seniors' driving program at Yorkdale Secondary School here in Toronto. This program provides a combination of hands-on skills development and rules-of-the-road training free of charge to senior citizens. The emphasis is on safety and injury prevention.

It will come as no surprise, therefore, that Royal Insurance is a strong supporter of the concept of graduated licensing, and we applaud the Ontario government for its initiative in this area.

Before we table our specific comments and recommendations relative to the graduated licensing proposal, we will spend a few minutes discussing the current claims environment. It is not our intention to focus heavily on statistics. I'm sure that the Insurance Bureau of Canada and others have provided you with compelling statistical evidence that links the alarming relationship between driver inexperience and death and injury rates.

When injuries and deaths are discussed in the context of numbers, percentages and trends, it is somewhat easier to maintain an emotional distance from individual tragedy. Today, we will remove that cushion of comfort. I'm going to describe 10 actual Royal Insurance Ontario automobile claims involving young and/or inexperienced drivers. Each of these cases contemplates a payout in excess of \$250,000 and each is either currently open or recently settled. To ensure the privacy of the parties, we have deliberately omitted names, date of loss and any other identifying factors.

1650

As I read these cases, I ask that you consider the following:

(1) Would the proposed graduated licensing program have prevented this particular incident?

(2) Should graduated licensing prevent this kind of incident? If yes, where would the current proposal need strengthening?

(3) In which cases is the driver the only or most

seriously injured party? In which cases are passengers or third parties?

(4) In which cases are children the victims?

(5) In which cases are there several passengers in the vehicle?

Case number one: A 19-year-old recently licensed driver lost control of his vehicle. It left the pavement and struck a hydro pole. He sustained catastrophic brain injuries and remained semicomatose some six months post-accident.

Case number two: I refer you to the back of our submission; you'll see photographs and they relate to case number two. A 17-year-old lost control of his vehicle and struck two vehicles in the oncoming lane. While the driver virtually walked away from the accident, his 18-year-old passenger was fatally injured and his 20-year-old brother, a passenger, sustained serious brain injuries.

Case number three: A 16-year-old driver lost control, crossed the centre line and struck an oncoming vehicle. The 16-year-old ultimately succumbed to her injuries. Five passengers in the approaching vehicle sustained serious fractures as well as internal injuries, all of which will require a lengthy recovery and rehabilitation.

Case number four: A 16-year-old with a temporary driver's licence lost control and hit a rock. Two passengers sustained only a bruising and lacerations, while a third was ejected and sustained two fractured vertebrae, leading to lengthy disability and rehabilitation.

Case number five: A 19-year-old driver in northern Ontario lost control and crossed the centre line, striking an oncoming vehicle. Two youngsters under 12 years of age in the approaching vehicle were fatally injured; a 13-year-old sustained severe fractures and lacerations as well as psychological trauma. Her 10-year-old sister sustained a fractured skull and multiple other fractures. The parents also sustained various injuries.

Case number six: A group of youngsters aged 15 to 17 were celebrating the end of school in a small Ontario city. The driver lost control of the vehicle. One youngster was fatally injured, one sustained serious closed head injuries with permanent brain damage and the others escaped with relatively minor injuries.

Case number seven: Four 17-year-olds in a vehicle struck a parked car. All four youngsters in the vehicle sustained multiple fractures, lacerations etc. All eventually recovered, but as sometimes seems to be the case, they did not all learn lessons from their experience. One was fatally injured in a subsequent motor vehicle accident.

Case number eight: A 19-year-old Carleton University student, licensed only six months, left the university athletic centre one evening with a 19-year-old visitor from Queen's University as his passenger. He lost control of the vehicle on a federal parkway in Ottawa,

left the roadway and smashed into a large tree. The driver walked away physically unscathed while his passenger sustained catastrophic brain damage.

Case number nine: A 28-year-old newly licensed driver was travelling with his wife, two children, another couple and their one child in the vehicle. The two men occupied the front seats and were belted. The two women, the insured's six-month-old infant and four-year-old child as well as their friend's two-year-old were all in the back seat and unbelted. The four-year-old announced the need to make a rest stop just as the vehicle approached an exit from the 401. The father attempted to slow the vehicle sufficiently to exit from the highway. He lost control and the vehicle rolled three or four times. His baby was ejected from the vehicle and crushed when it rolled on top of her. His four-year-old sustained minor injuries and his wife sustained a 12th thoracic vertebra fracture. His friend's two-year-old child sustained catastrophic brain injuries and the child's mother sustained a lumbar fracture which disabled her for some time.

Case number 10: A 26-year-old inexperienced driver was travelling from Ottawa to the Yukon with her husband and two children, aged seven months and two and a half years. Following a pit stop, the young woman took over as relief driver, with her two-and-a-half-year-old in the front passenger seat and her infant and her husband in the back seat. As they drove west along the Trans-Canada Highway in northern Ontario, the husband asked for a wipe to clean the baby's face. The driver reached down between the bucket seats with her right hand to retrieve the package of wipes. As she did this, her left hand followed the inclination of her body towards the right and the right wheels of the vehicle left the pavement. Due to her inexperience, she panicked and overcorrected, thereby entering the oncoming lane of traffic, where the vehicle was struck heavily on the right side by an oncoming pickup truck.

Her infant was ejected and fatally injured immediately. Her husband sustained serious fractures which kept him in casts and traction in hospital for a number of weeks. The two-and-a-half-year-old sustained a fractured second cervical vertebra. Medical professionals indicated that these injuries in an older child would have resulted in immediate permanent and total paralysis. The driver sustained virtually no physical injury but the emotional trauma will undoubtedly be with her for ever.

Royal currently has 102 Ontario automobile claims with estimates of a quarter of a million dollars or more; 20 of these claims, or 19.6%, involved young and/or inexperienced drivers. Approximately 30% to 35% of the accidents involving young and/or inexperienced drivers were single-vehicle accidents, loss of control, rolling, striking trees, rocks etc. Roughly 30% more resulted from loss of control and crossing a centre line into oncoming traffic.

The implications of the types of accidents that I've just discussed strongly indicate that most, if not all, were preventable. Graduated licensing will certainly go a long way towards reducing these unnecessary tragedies. I'm going to spend a couple of minutes now providing Royal's recommendations relative to the suggested model.

Level 1:

—We would like to see some skills testing done to attain the entry level licence. A vision test and knowledge test of rules of the road do not sufficiently measure a person's ability to drive.

—No passengers other than the accompanying driver should be in the vehicle. The reason for this is twofold: First, passengers may create distractions which can impede both the driver's and accompanying driver's response time and concentration; and second, since the novice driver is at greater risk of an accident than a skilled driver, the risk to passengers is likewise more significant.

—Zero blood alcohol content in the accompanying driver.

—Minimum age of 21 for the accompanying driver.

—The accompanying driver should have no more than two moving violation convictions and should be accident-free for three years. It makes no sense to have a novice driver taking instruction from a poor or careless driver.

—We'd like to see stricter penalties for non-compliance with graduated licensing requirements. Driver training should be mandatory after two moving violations or one at-fault accident.

Level 2:

The current requirements for this level are far too weak. All meaningful restrictions are eliminated, and we would like to see the following additions:

—No children under the age of 16 in vehicles driven by level 2 licensees. Children are often uniquely exposed to injury due to their size, lack of proper child restraints and active nature. The exposure increases when they are in a vehicle with an inexperienced driver. Children can also cause dangerous driving distractions.

—No more than two people in the front seat of the vehicle, regardless of the number of seatbelts. Some vehicles with bench seats have a centre lap belt.

—We would like to see a sign identifying the driver as a level 2 driver.

Other: We do not support any exemptions from restrictions in level 1 or 2. If, however, the committee elects to recommend exemptions, we suggest the following approach:

—Exemptions should be granted by certificate issued by motor vehicles branches. Exemptions would be narrowly defined and specific.

—Exemptions would be subject to 90-day review and renewal to ensure that conditions requiring exemption still exist.

—No renewal if a conviction, accident or non-compliance with other graduated licensing restrictions occurs within the last exemption period.

We have all heard many of the arguments against graduated licensing. Most can be broadly grouped into one or two categories: inconvenience or inequity. Our response is quite simple: You can outgrow the inconvenience of graduated licensing; you can outgrow the inequity of graduated licensing; you cannot outgrow death; you cannot outgrow catastrophic brain injuries; you cannot outgrow paraplegia or quadriplegia.

To you, the members of this committee, I will say this. The extent to which you strengthen or weaken the current graduated licensing proposal will translate directly into lives saved or lost, injuries sustained or prevented. There are people in Ontario right now who will either live or die as a direct result of the decisions that you make on graduated licensing. There are people in Ontario today who will either escape or suffer catastrophic injuries as a direct result of the decisions that you make on graduated licensing.

We urge you to put aside politics. We urge you to resist the temptation to water down this proposal to appease critics. This is one of these rare issues where there is only one right answer. Thank you for your attention.

1700

Ms Murdock: Thank you for making the presentation and taking the time to do it. Just on page 6, quickly—and the previous presenter also made the point in terms of motorcycles—but the concept of moving violations that would be point accumulation: I was thinking while he was speaking that maybe if you accumulated six points, say, you would then be required to take driver training. I personally am of the view that you should have driver training before you're on the road but that's—

Ms Maddocks: I'm with you on that.

Ms Murdock: —I know, an extremely costly venture, even though it has been pointed out by some that we can pay for it.

It seems to me that in your questions that you asked us to consider before we looked at the case scenario, though, you should have a sixth one, because in most of the ten, almost without exclusion, it's that if they had driver education, they wouldn't have crossed the centre line or they would have been able to correct hitting the shoulder and so on. I'm surprised that one of your recommendations isn't that it would have been a requirement.

My second question is in relation to the New Zealand experience where, once they implemented the program

of their graduated licensing system—slightly different but nevertheless 25% reduction in accidents and injuries in the first years. If the same were to hold true in Ontario, presuming that it would, how would that translate into a premium reduction?

Ms Maddocks: I think a couple of things. It's a good question. If you just look at the figures that we're dealing with here, we have 20 cases of young people who are inexperienced—

Ms Murdock: And the health care costs are phenomenal.

Ms Maddocks: —at a quarter of a million dollars each, that's a tremendous impact. Sorry?

Ms Jewel Kelly: Some of them are considerably higher than that.

Ms Maddocks: Well, yes, exactly. That's a minimum.

Ms Murdock: Yes, and that doesn't take into account any of those, either, the insurance costs you've stated, but then there are the health care costs that are paid through OHIP, so it's even well beyond that.

Ms Maddocks: I think what you would find is that there would naturally be a flow-through effect of—I mean, any time the claims severity drops, you see a corresponding drop in premiums.

Ms Murdock: The Insurance Bureau of Canada, this afternoon the gentleman stated that ultimately there would be a reduction. My question would be, how long is ultimately?

Ms Maddocks: Of course, you don't credit ahead of time. It's just like in the current system of driving record 1 through 6: You gain that as you gain experience. I would suggest to you, though, if Royal's experience showed after the first year of implementation, then you would see an immediate flow-through impact on our pricing structure. We are assuming, of course, that we're able to achieve rate adequacy, which is a whole other issue.

Ms Murdock: Right, okay. Thank you. I haven't got any other questions. I think it's excellent.

Mr Conway: Ms Murdock has anticipated one of my questions, which was on the favourable rate adjustments in the light of improved behaviour. You paint a vivid and horrifying story of cases that we can all imagine, although it's been very helpful to put them in such a stark fashion to the committee. I appreciate that. I am like a broken record on a couple of things here. One of them has to do with the restrictions. Boy, you really do pull at a few of my strings. I could get pretty excited here, but I won't, over the subject of, we have a duty to perform and we should just do it.

The only problem is that there is a real discrimination in this policy and I keep coming back to the discriminatory impact that this is going to have in rural Ontario,

and it is manifestly clear to me that it's going to have a discriminatory impact. I asked one of the previous witnesses, and he was very candid in his response. He didn't have very good answers and he admitted that. The only problem is, I'll have to have them when I go to these meetings and I meet parents just like you who are going to want to know how it is these restrictions so unevenly impact upon young people in the rural area, as compared to people in town. I just simply look at the recommendation you've made here about the accompanying driver. You've taken a pretty tough line. I just think the restrictions are uneven, unfair and impractical, because you're so tough that you're going to make even your kids, if they live out in north Hastings or south Renfrew, do some things outside these restrictions because they're just unreasonable.

Ms Maddocks: I would say a couple of things and that's why we made the point we made, that if you feel compelled to offer exemptions, I would be very, very tight on the exemptions. If, for example, a young person has a job at the local restaurant and he needs to work shift work or whatever and needs to take his car, I think it should be spelled out where he's going, at what hours he's permitted to be. If he's pulled over and he's at a different point in time and he's on a main freeway, then I don't think there should be a major exemption. I think it should be nailed down.

The other point I would make is that we're assuming that the hardship—and I've debated with teenagers on this subject and I know, "I don't want to drag my parents out." I understand all of the arguments. I guess the balance is that there also are your kids or my kids out there who could be killed by these kids.

I think somehow we get back to the premium issue. The premium is going to be saved only in relation to the amount of accidents, and the extent to which this has no teeth is the extent to which it's ineffective.

Mr Conway: But it is a balance question. It seems to me we've got to make it sufficiently tough to be real but sufficiently flexible to be sensible. Right now, in my part of the province, despite all that we've done about tobacco, you can buy it anywhere. All kinds of smart people are sucking in these carcinogens at \$3 a pack.

Interjection: How much?

Ms Murdock: For \$3? You mean the smuggled ones.

Mr Conway: Of course. That's the only kind you buy. But I've got to tell you, we've got ostensibly tough enforcement. We've got high taxes and a lot of good church-going people who are just giving the old middle-finger salute and saying, "To hell with you." I'm just terrified that if we get into restrictions that are completely irrelevant to the reality of rural Ontario—and the example I was using here earlier I'll use very quickly with you again. You can see these kids on December

afternoons at 4:30, basketball practice after school. There's no longer any busing because that's been cut out for a variety of reasons and Murdock's got to go 48 kilometres to get home. I'm just talking to school principals and, I'm telling you, they are very worried that we're creating inadvertently some conditions that are going to just—

Ms Linda Matthews: Mr Conway, you say "inadvertently," but I can tell you about a phone conversation I've had in the last couple of weeks from a mother of two teenaged daughters. They live in the country and her concern was that the insurance was being renewed. The first daughter, within six months of getting her licence and driving out in the country on a gravel road, had lost control, totalled the car; wasn't injured in that case. Her younger sister came along, got her licence and within six months hit a piece of black ice, totalled the car; wasn't injured. These are country kids. They have accidents too.

Mr Conway: I know.

Ms Matthews: What we're trying to do is prevent them.

Mr Conway: But I guess my point is that we have to be careful that the restrictions don't impact so unevenly as to discriminate against a class of individuals.

Ms Maddocks: But you know, 10 years ago, if we'd sat in this room and talked about the position we were taking on drinking and driving, I suspect some of the same arguments would have been made like: "You can't go to a party with five of your friends and expect one of them to stay sober. Come on." We all used to do that and now it's socially unacceptable. We have to change.

I can just tell you one thing: I've been on the receiving end of a fatality in the family. If I had to go back and relive that with inconvenience or angry principals to have that person in my life, it would make a big difference and I suspect most parents, if you put those cases to them, would agree.

Mr Conway: I've had it too. I've had it more than once. I understand the anguish, but I guess I just want to make sure we legislate in a way that is going to achieve the result we all want. I think there are some problems around certain of these restrictions.

Ms Kelly: I was just going to say that I think we all see driving a car as a right and I think we have to take another look at it and say it's not just a right, it's a responsibility. A lot of the cases I've dealt with have been country kids and I have sympathy for the fact that they live some distance from where a lot of the activity in their lives is. But better that they live and that they be able to involve themselves in those activities.

Some of the most horrendous injuries we've had have been on back country roads and a lot of them, of course, on two-lane highways. So even the restrictions against

the 400 series and the Don Valley Parkway don't answer the whole question. We've got to find a way to teach people how to drive on two-lane highways before we turn them loose on two-lane highways, and that's where a lot of the rural driving is done.

1710

Mr Daigeler: I'm not sure whether there's time, but frankly, in light of what you're saying and, of course, what many others have said, and in light, really, of what I guess has always been the reasonable position, I'm just wondering why it has taken us so long to come this far and why even in Ontario we seem to be the only jurisdiction which is seriously considering this in a North American context.

Ms Maddocks: I think Nova Scotia's looking at it.

Mr Daigeler: Even this government has taken four years almost now to move again on this. I'm pleased that they are now finally there, but even here it has taken three years to—

Ms Matthews: It certainly does take a degree of willpower to bring forth this kind of change, but fortunately, other jurisdictions are seeing the same light. In fact, on the east coast, in Nova Scotia, they are very close to making decisions about graduated licensing. Also, Alberta is now looking at it. You're right, it's pure common sense and why it has taken so long to get this far is a very good question.

Mr Murdoch: I want to thank you for your presentation. I want to go back to Sean's problem, and northern Ontario too; it's rural Ontario and then there's northern Ontario in which there's even more distance that people have to travel. I don't think either one of us is about what's happening here. We think it's a great idea, it's just that how do we sell it without everyone being angry? I heard what you said about 10 years ago, where everybody wanted to go to the party and drink and there wasn't a designated driver.

I don't think you can compare this because I'm saying in rural Ontario and northern Ontario we don't have the transportation system like you have in the large urban centres. We don't want this to become a battle between rural and northern Ontario and large urban centres, which can happen. Here in Toronto, if a kid of 16 wants to go to work, he's got the transportation system. We don't have that. My daughter's 16 and she's driving back and forth to work now because she has her licence. If she was in the graduated system she wouldn't have been able to do that for a while. When we go to our high schools, which we'll be going to, they're going to come up with those questions: "Why are we being picked on? I can't go down the road 10 miles to work."

Ms Matthews: Show them heroes, Mr Murdoch; then they'll understand.

Mr Murdoch: I can't comment. Maybe I will, maybe I'll do a TV show on it or something like that.

Ms Matthews: Those kids are then willing to take responsibility for the training and the—

Mr Murdoch: But there are those accidents happening. They can happen anyway, though. This isn't going to stop all the accidents.

Ms Maddocks: There's no question that it's a trade-off. There is some inconvenience. I guess what will happen is that parents—you're going to have to build in perhaps some exceptions, but they've got to be tight exceptions.

Mr Murdoch: Okay, I agree.

Ms Maddocks: Not just, "We want to go to a basketball game after and we have to get somebody home 48 miles." That's a possibility. But failing that, there is no way you can put in a system that's going to be effective and accommodate all of the concerns. It can't be done. So it's going to require some decision-making. There's isn't an answer that's going to solve everybody's problem on this one.

Mr Murdoch: I guess as politicians we're just sort of asking for that help.

Ms Maddocks: Yes.

Ms Matthews: Look at heroes and you'll see some help, where the kids can really buy in to what is important in taking responsibility.

Mr Turnbull: If you've been following this debate for some length of time, you will probably know that I've been the standard-bearer of getting graduated licences and I'm almost like a broken record in the Legislature, so I'm pleased that we've got to this stage.

If I had my druthers—and I have to say after very extensive debate with my children, we don't necessarily see eye to eye on it—I would adopt all of your recommendations, but realistically, I have to say, from being around this place for three years now, I know you have to arrive at compromises.

When you spoke of if we had to accept exemptions—and certainly you don't recommend it—but if we have to have exemptions you said be very specific and have it well documented. Here we get to a problem. An earlier presenter suggested that the US model for certain exemptions is that there's simply a letter people have with them that they are going to an education establishment or to work, and they present that to the police. I get the impression that would not be sufficient for you.

That being the case, and when we consider the fact that you've been asked, "Will you give rate reductions?" and your answer, as we anticipated, was, "Let's see what the experience is first and then we'll factor that into rates," would you be prepared, because we can't charge just those people who live in rural areas, to administer it? Quite frankly, the government—I don't care what political party's in power—can't afford to throw a whole lot of money at it. Would you be prepared in some way administer the exemption process

as sort of a precursor to any reduction in rates; that you would, through the insurance vehicle, issue the exemptions, which would be sort of one step from the US one but it would not involve governments having to get involved in it?

Ms Maddocks: I wouldn't see that as a reasonable alternative and I'll tell you why. This is connected with the whole issue of licensing and licensing restrictions, not insurance and insurance restrictions. What I would see in the area of exemptions—and as you have been involved in this debate for some time I'm sure all of you, as all of us, get phone calls from friends who say, "If my son gets his licence now can he get in before this thing is law?" I get those phone calls all the time. So there's some sympathy.

I think when you get through it all you'll find that the exemptions that are required are fairly standard: son or daughter has a part-time job that requires some driving after the curfew. Maybe some hardship exemptions: You have a young person who has to drive a sick relative to and from chemotherapy treatments, or whatever. Anyhow, you could probably come up with a fairly short list and beyond that, maybe other humanitarian grounds.

We have 150 companies in Ontario. Unless we were involved in the licensing side of things, it just doesn't make sense to link that to the insurance side and not the licensing side, since this is a licensing issue.

Mr Turnbull: Who would then pay for the exemptions?

Ms Maddocks: Would it be that costly?

Mr Turnbull: I suspect yes. Anything government does turns out to be costly.

Ms Matthews: Maybe bring in a user fee aspect—

Mr Turnbull: If you bring in a user fee then you're once again discriminating against people who live in rural areas—the fact that they do generally earn less than people in urban centres. I suspect it would be very difficult to sell direct user fees for these exemptions.

Ms Maddocks: Maybe licence fees have to go up and everybody has to bear the cost of that. I think if there's a cost attached, I agree with you, it has to be spread evenly among all licensed parties. I don't see a problem with that.

Mr Turnbull: If there were a reduction after first year's experience, would it be reasonable to turn to the insurance companies, say, as the first line, to pay for that and then after that any further reductions would be passed on to the people we're insuring?

Ms Maddocks: Of course, if we're paying for it it's getting passed back to the insureds. It's one thing to talk about us paying; we're still dealing with people getting mad at us over sales tax. If we start throwing other fees we're going to be back in the—

Mr Turnbull: You said let's not be political about it, but I agree with you. I agree with you completely.

The Chair: I'd like to thank the Royal Insurance Co and each of you for spending the time to bring forward, I think, a very comprehensive presentation. There are indeed some interesting recommendations. I, for one, will take the opportunity to view the video and I trust other committee members will as well. Again, we thank you for taking the time to be with us today.

The committee adjourned at 1720.

CONTENTS

Wednesday 8 September 1993

Subcommittee report	R-271
Graduated licensing	R-271
Ministry of Transportation	R-271
George Dadamo, parliamentary assistant to the minister	
John Hughes, director, safety policy branch	
Bob Domoney, manager, graduated licensing	
Paul Levine, manager, safety policy office	
Insurance Bureau of Canada	R-288
Stan Griffin, vice-president, Ontario region	
Peter McDougall, government relations officer and coordinator, graduated licensing campaign	
Traffic Industry Research Foundation of Canada	R-293
Dr H.M. Simpson, executive director	
Addiction Research Foundation	R-299
Bob Mann, representative	
Labatt Road Scholarship	R-302
Gary Magwood, chief instructor	
Coalition of Motorcycle Organizations	R-308
Robert Ramsay, executive director, Motorcycle and Moped Industry Council	
Royal Insurance Co of Canada	R-313
Judy Maddocks, vice-president, personal lines division	
Linda Matthews, vice-president, personal lines, Ontario region	
Jewel Kelly, rehabilitation claims specialist	

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R-15

R-15

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Thursday 9 September 1993

Jeudi 9 septembre 1993

**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

Graduated licensing

Délivrance graduelle des permis



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LEGISLATIVE ASSEMBLY OF ONTARIO

R-321

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday 9 September 1993

The committee met at 1005 in the St Clair Room, Macdonald Block, Toronto.

GRADUATED LICENSING CAA ONTARIO

The Chair (Mr Bob Huget): The first witness this morning is CAA Ontario. Good morning and welcome. You've been allocated one half-hour and the committee would like about 15 minutes of that, if it's possible, for questions and answers and dialogue. Go ahead.

Mr Glenn Moore: My name is Glenn Moore. I'm with the Canadian Automobile Association, Ontario. I'm chairman of the public affairs and government committee. With me today is Catherine Newell of the Hamilton Automobile Club and Pat Curran of CAA Toronto.

CAA Ontario is a federation of all not-for-profit automobile clubs in Ontario and has 1.5 million members. The association consists of 11 autonomous clubs with offices serving Ontarians in the various communities: CAA Thunder Bay; CAA Elgin Norfolk; CAA Northeastern Ontario, with a head office at Sudbury; CAA Niagara; CAA Peterborough; CAA Ottawa; CAA Windsor; CAA Midwestern Ontario, with a head office at Kitchener; the Hamilton Automobile Club; CAA Toronto; CAA Eastern Ontario, and its principal office is at Kingston.

One of CAA Ontario's specific objects, namely, "to aid in the establishment and maintenance of uniform and stable legislation relating to the regulation and use of automobiles and other motor vehicles and the rights and privileges of the owners and users thereof," is also one of our most important roles, that of being an advocate for motorists. It is in this capacity that we make our submission to you today.

I would like to ask Catherine Newell to handle the next portion of the presentation.

Ms Catherine E. Newell: CAA Ontario has for a long time been a proponent of graduated drivers' licensing in Ontario. We proposed this licensing system long before the tragic accidents of last year, which caused the public to press for government changes in the licensing of new drivers.

We are very much aware that traffic accidents are the leading cause of death for Ontario young people aged 16 to 24. Statistics also show, however, that all new drivers, regardless of their age, have a much higher risk of having a collision than drivers with as little as two to five years' experience. We fully support the government's proposed graduated drivers' licensing system as it has been developed, with some minor modifications.

In a study of drivers 18 to 22 years old by the AAA

Foundation for Traffic Safety—the AAA is the American Automobile Association, our affiliate in the United States, and the AAA Foundation for Traffic Safety is a foundation for safety research done by the AAA—titled *Perceptions, Attitudes, Motivations and Behaviours*, the AAA examined the fact that young drivers were disproportionately involved in traffic accidents and fatalities. The study found that the greatest risk factors associated with motor vehicle accidents by youth are their age and lack of driving experience. Characteristics such as risk-taking tendencies and anti-social behaviour are also important.

As many of Ontario's novice drivers will be young drivers, an AAA Foundation for Traffic Safety study indicates why certain restraints are key to a graduated licence system. In the AAA study it was found that driving is very important to most young people for achievement of their goals. Safety is a secondary consideration. The goals include, but are not limited to, establishing independence; travelling to and from places of work or school and going places with friends; obtaining privacy; meeting new people; establishing a sense of identity; coping with or expressing emotions; achieving social status; and making the transition from youth to adulthood.

Although as adults we may view risky driving behaviour by young drivers as irrational, the results of this AAA study produced convincing evidence that risky driving behaviour can, for young people, provide valuable social rewards. It can be a source of fun and excitement and a way to escape from boredom. Several young people complained about lack of social activities. Many newly licensed drivers, particularly males, clearly enjoy the thrill of racing other drivers or driving at excessive speeds. Risky driving is also a means to show off in public and to achieve social status with a peer group. To many young drivers it is more to be admired than deplored. Trying for social status and getting attention is not restricted to men only. Excerpts from the AAA study show that females encourage and reinforce risky driving by males by praising them for it.

The AAA study found that risk-taking behaviours, rather than being arbitrary or fortuitous or reflecting some kind of youthful perversity, like all learned behaviour, are purposive, goal-directed and capable of fulfilling multiple goals that are central to adolescent life.

Risk-taking behaviour might serve the young person's need to assert independence from parental control, to express opposition to adult authority or to have a handy coping mechanism for anxiety, frustration and failure.

For some it may be a means of identification with a peer group and acceptance by that group.

Young people cannot always be expected to repress their emotional needs. Well-planned intervention programs can assist them to channel emotions and express their needs in constructive ways. To young drivers their behaviour is not irrational. It is, however, being motivated by a rationale different from that of adults. Safe driving, from the perspective of young drivers, may have few social or other rewards other than the avoidance of punishment or injury.

The vulnerabilities of late adolescence, the high motor vehicle accident rate of the young, and the pressures to take responsibility for oneself in a complex and highly mobile society create factors that require serious consideration.

Two major approaches have been evident in addressing the problems: One is through education and the other is through restrictive regulation such as graduated drivers' licences calling for curfews and other restrictions.

In the AAA study it was determined that young people found driver education to be valuable. Some commented favourably on the quality of the course they took and its positive impact on their driving. However, others complained about the lack of competence of the instructor or the overemphasis on classroom instruction combined with insufficient attention to behind-the-wheel experience. The study found that driver education is viewed as a way of acquiring the mechanical skills of driving more than as an appreciation of attitudes and values conducive to responsible driving.

CAA Ontario would urge the provincial government to:

- (a) Establish uniform, high standards for teacher and instructor training;
- (b) Institute high-quality programs of driver training in all high schools;
- (c) Set acceptable minimum course standards for commercial driving schools;
- (d) Adopt legislation and regulations to control the activities of all driving schools.

This is particularly important, because in the proposed model of the government, driver education in fact can change the period of time a driver is in level 1 from 12 months to eight months, so it's critical that commercial driving schools be strictly regulated and teach a designated mandatory curriculum.

(e) Develop safety programs to reinforce formal education training through informal channels, specifically, parents, older siblings, peers and the media, including television, movies and music. That was one of the other conclusions of the AAA study, that this type of mechanism is very important, as well as the formal.

The California publication *The Parent Teen Training Aid* is designed for the parents of students and describes what the student is expected to learn. Its purpose is to actively involve the parent in the teenager's learning-to-drive process. Instructions to the parents regarding what must be covered by the student are clearly set forth in this publication. In California, prior to the young driver taking the driving test, the parent, driving instructor etc must sign the minor's permit certifying that they had covered the recommended material, thereby reinforcing in both the young driver and the parent the serious nature of the learning-to-drive process.

Maryland also introduced a voluntary parent involvement countermeasure to encourage parents to provide their young drivers with more supervised practised driving. They developed two handbooks for this purpose. The first handbook, which is issued with the learner's permit, focuses on skills such as watching surrounding traffic, following other vehicles, merging into traffic, controlling speed and keeping the proper distance between vehicles—basic driving skills.

Handbook II, however, which is issued with the provisional licence, is designed to help the provisional licensee practise under more difficult driving situations identified as driving on freeways, at night, in heavy traffic and during inclement weather.

Although Ontario's proposed graduated driver licensing system is for all novice drivers regardless of age, CAA Ontario recommends the adoption of an experienced driver-novice driver handbook as an integral part of its new system. We specifically recommend inclusion in the handbook of materials which would allow the fully licensed, experienced driver to teach the novice driver the importance of resisting peer pressure to deviate from good driving practice when behind the wheel. This is particularly important for the young novice driver. Unfortunately, this area has not received adequate attention in driver education programs today.

CAA's public policy survey for 1991 sought to obtain CAA member opinions on graduated drivers' licences. Several questions were asked. One question asked was:

"Graduated licensing systems are being considered as a way to attempt to reduce collisions involving new drivers. They impose some restrictions which are gradually lifted so that novice drivers progress through a step-by-step method into unrestricted driving privileges. Do you think that graduated licensing systems should apply to new drivers?"

It elicited the following responses: yes, for all drivers regardless of age, 66.6%; yes, but only for drivers under a certain age, 18.1%; no, 13.4%; no answer, 1.9%.

Another question used a rating scale of one to four and asked members to indicate how strongly they felt about certain restrictions for new drivers, and in the presentation there is a chart which indicates—we looked

at driver curfew of 11 pm, zero blood alcohol level, restrictions from high-speed roadways and a limited number of passengers allowed in the vehicle.

I'm not going read to the results of the chart, but just the summary. The results of these questions suggest that a majority of members, 66%, support graduated licences for new drivers regardless of age. The favoured forms of restrictions are zero blood alcohol level, with 78.5% support, and limiting number of passengers at 58.5% support. Forty-two per cent approve of a night-driving curfew, 36% approve of a restriction from high-speed roadways and 45% approve of requiring an experienced driver to be present. A total of 1,350 respondents from CAA Ontario clubs answered these questions.

I want to point out that these were asked in 1991 at really the beginning of discussions about graduated drivers' licenses and at the beginning of the public's first information about what such a system would be like, so the expectation would be that if these questions were asked again this year, you would find higher percentages now that there's greater understanding of the system. I think the percentages were very high considering they were asked at such an early time. It shows that our membership is quite committed to graduated drivers' licences.

Further analysis of the survey data shows that of drivers under the age of 25, 22% approve of a night-driving curfew, 38% approve of restriction from high-speed roadways, 43% approve of limiting the number of passengers allowed, and 53% approve of requiring a more experienced driver to be present. Fully 92% of young drivers supporting graduated licences approve of a zero blood alcohol requirement.

1020

Since both age and inexperience are factors directly related to collision rates, and there are more older, first-time drivers on the road today, countermeasures must be aimed at the novice driver, not just the young driver. Novice drivers at any age have higher rates of collision involvement than drivers who have some driving experience.

In the report entitled *New To the Road*, by the Insurance Bureau of Canada and the Traffic Injury Research Foundation of Canada, the conclusion is drawn that the risk of collision decreases with increases in experience independent of age. Further, increases in experience appear to have a greater impact about 30-year-olds than among 20-year-olds. The risk of collision among 30-year-old experienced drivers is about 38% less than it is among the novice 30-year-olds. However, this differential is only about 8% for the 20-year-olds. For this reason, it is imperative that the graduated drivers' licences system apply not only to young drivers but to all novice drivers.

Among older, newly licensed drivers, there is a need to ensure opportunities to gain driving experience since

this diminishes their risk of collision. Among newly licensed young drivers, the need for experience is also important, but prevention measures must acknowledge and account for the powerful role played by age-related factors as identified in the AAA study.

In the proposed system, CAA Ontario strongly supports that for either a level 1 or level 2 driver a zero blood alcohol content is absolutely appropriate. A very clear message must be given that only a policy of zero tolerance is acceptable. Young drivers are particularly susceptible to impairment by small amounts of alcohol. For example, in a study by Paul Zador in the *Journal of Studies on Alcohol*, male drivers aged 16 to 20 have six times the driver fatality risk in single-vehicle crashes at BACs from 0.01% to 0.04% compared to male drivers aged 25 and over at these low levels.

In another study by Mr Simpson, titled *Polydrug Effects and Traffic Safety*, it was found that the risk of a crash, especially a fatal crash, increases with increasing BAC levels but that drivers aged 16 to 19 have a higher risk of a fatal crash than older drivers at all BACs.

Further, the study noted that drivers aged 16 and 17 at low BACs, 0.01% to 0.049%, have a crash risk three times that of drivers aged 18 to 24 at the same BAC levels. The report summary on young drivers and alcohol states, "Although young people drink and drive less often than people of other age groups, the young who do choose to drink and drive are at significantly higher risk of fatal crash than other age groups of drinking drivers." CAA Ontario further recommends that the fully licensed driver accompanying the level 1 driver should also maintain a zero blood alcohol content.

If a novice driver in the graduated licensing system has a BAC reading up to 0.08%, it is imperative to apply appropriate sanctions; ie, suspend the driver's licence for a specified period of time and then, at the end of his or her suspension, start the driver back at the beginning of the level he/she was in at the time of the suspension.

In the analysis done by the department of motor vehicles in California on the trial of its provisional licensing program—and this study was just recently completed—one of the significant factors in the reduction of accidents was the early application of sanctions for at-fault accidents and/or convictions for violations of the traffic code. This experience demonstrates how important it is to have early appropriate sanctions for deviant driving behaviour.

The USA experience indicates that about half of the fatal motor vehicle crashes involving teenagers occur at night. As a result of this experience, a few states have implemented curfews. The result is fewer fatal crashes. The Insurance Institute for Highway Safety in the USA studied the effects of curfews in four states and found reductions of as much as 69% in crashes involving

16-year-old drivers during restricted hours. That was in Pennsylvania. In New York the reduction was 62%, in Maryland 40% and in Louisiana 25%. The Insurance Institute for Highway Safety, in another study, had evidence that most young drivers comply with nighttime restrictions most of the time.

Given this experience, the application of a curfew for level 1 drivers should achieve a reduction in involvement in crashes overall, as well as a reduction in fatalities, particularly of young novice drivers. CAA Ontario supports the curfew for level 1 drivers from midnight to 5 am.

Banning novice drivers from the 400 series highways and certain designated multilane urban expressways in level 1 is appropriate given the premise of the graduated licensing system, which aims to reduce the novice driver's exposure to higher-risk driving situations during their initial driving period. This allows the novice driver into the traffic environment gradually in a manner that enables him or her to gain knowledge, skill and experience over time under controlled conditions. New York state, for example, issues a junior licence at age 16 but with significant restrictions, including a total prohibition for driving in New York City at any time. This does not restrict the novice driver from learning to drive on a highway at a higher speed limit, which is a less hazardous environment than the 400 series or like multilane highways.

The restriction limiting the number of passengers a level 1 driver carries to the number of seatbelts in the vehicle ensures that all occupants have access to seatbelt restraint protection. CAA Ontario supports this restriction.

CAA Ontario is concerned with respect to the length of time spent in level 1 for class M motorcycle drivers. Although our winter driving conditions shorten the length of time motorcycles are generally used in Ontario, 60 days in level 1 is not a sufficient duration to be meaningful in a graduated drivers' licensing system. We recommend that this period be lengthened to six months.

CAA Ontario supports the level 2 restrictions, particularly the maintenance of a zero blood alcohol level.

We applaud the government's intention to institute a test on advanced driving skills that truly reflects the driver's ability to perceive and avoid hazards before the novice driver qualifies for full licence privileges.

In summary, CAA Ontario wishes to thank the committee for giving us this opportunity to address you today and let you know about our concerns, not only for the safety of novice drivers but for motorists in general. We cannot overemphasize the importance of the implementation of graduated drivers' licences and we fully support such a system.

The Chair: Thank you. Questions? Mr Daigeler,

Transportation critic for the official opposition.

Mr Hans Daigeler (Nepean): Thank you for an excellent brief. I appreciated, in particular, the summary of the AAA study which deals really with some of the motivational factors that are at issue with young drivers. I think it's an excellent analysis as to why some of these young people act the way they do, and I think we'd all be well advised to take that into consideration.

My colleague Mr Conway is not here, and I'm sure he would have asked you about the rural people. On his behalf, I should ask you, how many rural members do you have, and do you feel that the rural members in your association would, more or less, share the views that have been expressed here?

Ms Newell: Absolutely, and when you look at the clubs, because all the clubs are represented in this brief today—and when you look at, let's say, CAA Elgin Norfolk, whose head office is in St Thomas, you have the whole Norfolk area. CAA Northeastern Ontario is Sudbury and Thunder Bay, so you've got the whole northern territory covered. CAA Peterborough has a lot of rural area. CAA Midwestern has Kitchener. CAA Windsor has Sarnia and all of the outlying areas around Windsor.

Mr Daigeler: So you can't really recall offhand having sort of different views from rural folks?

Ms Newell: No, not at all.

Mr Daigeler: A second question, and something that really hasn't come out as much as I thought it might, is that several of the earlier presenters said that the level 2 restrictions are too minimal and that really, more or less, if you've passed level 1, then you're free to travel. Would you be in favour of greater restrictions in level 2?

1030

Ms Newell: No, because in level 2 you've taken the first year and you've restricted them from driving on the 400 series highways and you've restricted them from driving during the nighttime hours starting at midnight. These young drivers have to gain experience in those driving situations as well, so with a solid base in the level 1 of being restricted from that and of learning the basic driving skills, that's the key, that they have the strong basis for driving. Then they move into the much more serious traffic conditions, the nighttime driving and the freeway driving. They've got to learn to drive in those situations. So we would say that at level 2 they should be allowed to drive in those situations.

The Chair: Mr Turnbull, Transportation critic for the third party.

Mr David Turnbull (York Mills): Because we have only three minutes of questioning, I'll give you all of my questions together, quickly. In your discussion about driving schools, there seemed to be an implication that you felt that some driving schools at the moment aren't

cutting the mustard. In fact, in a question to one of the witnesses yesterday, it was suggested that some driving schools are very good but others really aren't thoroughly trained. You're suggesting changes. Perhaps you could expand on that.

Also, there is the question of the seatbelt. I'm very concerned about the idea of allowing two passengers in the front seat even if there are belts. I very strongly believe that we should only have the experienced driver in the front seat beside the driver and that we shouldn't be allowing three people, because the more people there are the more confusion, the more distractions there are. I'd like you to comment on that.

Also, on this question of the class M licences, it was pointed out yesterday that, unlike motor cars where you have an accompanying driver in the first level, you're letting a driver out on a motorbike from day one without any driving test at all. They're just taking the theoretical and then they go out. So it was suggested by one of the witnesses that it would be much better to have the initial road test to go from level 1 to level 2 as quickly as possible, because you don't have an accompanying driver. Perhaps you could comment on these three points.

Ms Newell: I would still say that they've got to have a longer period of experience, again, driving under restricted conditions, "restricted" meaning they can't drive one half-hour before sunset and after. I mean, that's their limit, so they're driving daylight hours essentially. There should be a longer period of restriction for that driving. They shouldn't be allowed to go into the night-time as quickly as the 60 or 90 days.

The motorcycle driver should take a test before they're even on the road, and that test, at all the levels of testing, should be stronger. It shouldn't be just a written and very minor, let's say, visual written and that be it. There should be tests done at each level.

Mr Turnbull: And the front passenger?

Ms Newell: If you have a child, for example, who doesn't need to be in a car restraint—in fact, let's say, 4 or 5—and they're out of the restraint, it could be a big distraction. I think that's valid.

Mr Turnbull: My kids are older now, but I would hate to have had them in the front seat.

Ms Newell: Yes, I understand the point and I think it's a good point. CAA's policy has, in deliberation, been to allow the number of passengers for the number of restraints in the vehicle.

The Chair: Mr Dadamo, parliamentary assistant to the Minister of Transportation.

Mr George Dadamo (Windsor-Sandwich): If we set a standard provincial curfew, and we're talking about the midnight to 5 am in the morning—thanks for being quite extensive on some of the responses that the respondents gave to you, and I've heard from some of

the colleagues in the last couple of days or so—if you live in the north, midnight till 5 o'clock in the morning seems to be a lot different than how it will be here in southern Ontario, for example. Are some of the respondents clear to you as to what will happen in that case?

Ms Newell: Yes. In terms of accepting a curfew, very much. The policy is clear that this curfew would be acceptable.

Mr Dadamo: The midnight till five?

Ms Newell: Midnight till five.

Mr Dadamo: We've heard the arguments that if you're living up—and I appreciate, of course—in northern Ontario, you're working till midnight or 1 o'clock in the morning, you're part-time, you're not as close as you may be to Metro Toronto coming from a Burger King or MacDonald's or wherever you're coming from and you're many kilometres away. So that's going to be a detriment, I suppose.

Ms Newell: See, there again, though, I don't understand the concern totally because there are no restrictions in level 2, there's no curfew there, so we're talking about level 1. In level 1, that driver has to be accompanied by that fully licensed driver, so if it's a situation where a parent has to come and pick up a child, then there's your fully licensed driver. That child still can't drive home at 1 or 2 in the morning on his own because he's not accompanied by the fully licensed driver.

The Chair: I'd thank the Canadian Automobile Association, Ontario for an excellent submission before the committee this morning. It's a very comprehensive submission and I think that all members will review it again to look at some of the information that's in it.

I thank each of you for taking the opportunity to come down here this morning and put forward your views. Your views are important to the committee and I trust that you'll stay in touch with the committee as it proceeds through the process.

CITY OF SCARBOROUGH
PUBLIC HEALTH DEPARTMENT.
NURSING DIVISION

The Chair: Next is the city of Scarborough public health department, nursing division.

Ms Judith Lang: Good morning, ladies and gentlemen. My name is Judith Lang and I'm a public health nurse in the city of Scarborough.

I must thank you for the opportunity to speak to you today. I come here on behalf of the city of Scarborough health department. As a public health nurse, I work in the adolescent program so I deal with students mostly and kids in the community from ages 10 to 19.

Our mandate is to promote and preserve the health of the adolescent population in Scarborough by utilizing strategies for health promotion and disease prevention: strategies such as education, community development,

mass communication, advocacy and policy formulation. Those are just a few, and it's the last two that I use to come today.

I'm here to express the health department's support for the proposed graduated licensing legislation and to share the questions that arose during our research of this issue. We believe the proposed graduated licensing legislation will supplement and enhance our efforts to prevent motor vehicle crashes, the number one cause of death and morbidity in adolescence.

Through our research of current studies, we are aware of the numerous factors that contribute to motor vehicle crashes: drinking and driving, failure to use car restraints and risk-taking behaviours, to name a few. These are factors that we as staff of the health department are addressing every day through community awareness events, the media, displays in malls, schools and community centres, group facilitation efforts. We take programs such as the Prevent Alcohol and Risk Related Trauma in Youth program and use those in schools and various community areas.

We recognize that driver inexperience is also a major contributing factor in motor vehicle crashes, but it is a particularly difficult factor for us to address or to have any impact on—for obvious reasons: We can't take people out driving with us.

Graduated licensing addresses this contributing factor in an innovative manner. It provides new drivers with a safe learning environment in which to gradually develop the practical knowledge, skills and experience needed to safely drive. This is true prevention, and we believe it will inevitably lead to the desired reduction in mortality and morbidity which will in turn lead to reduced health care costs.

We are pleased that graduated licensing as currently being proposed will be mandated and apply to all new drivers. We are also pleased that the program is based on research from programs found to be effective in other countries.

The Scarborough health department feels it is important for the proposal to incorporate the principles of adult learning, specifically the principle of driver readiness to learn. For example, in the publication *New To The Road*, the issue of formal driver education is discussed. Where in the graduated licensing process would such education be most effective for new drivers? We feel this is a good question and it is our opinion that formal driver education should be provided after some driving experience has been gained and perhaps specific education programs in both level 1 and level 2 might be considered, education programs that are detailed and increase in difficult situations for level 2. I can talk about that later. This type of thing might be worthwhile piloting and evaluating.

Further in our reading of *New to the Road: Graduated Licensing and What it Means to You*, we could not help but wonder how this legislation would be enforced, and it appears that enforcement is crucial to its success. In these economic times of shrinking budgets, decreased manpower and increased workload, one wonders how graduated licensing would further impact on these finite resources. If the police forces of Ontario will be responsible for enforcement, we wonder how they will (a) deal with the added workload and (b) determine their enforcement priorities, appreciating that they too are struggling with fewer resources and rising crime rates.

Another area that we question involves one of the criteria for level 1 drivers, namely, that the number of passengers in the car be limited to the number of seatbelts available. We are concerned that this seems to be a large number of people in a car with an inexperienced driver. There may only be three people in a small car; it could be seven in mine. That is a concern. Health department staff gave input regarding the pre-licensing criteria of other provinces, such as the Maritimes and Newfoundland, where the only passenger allowed in the car with the learner is one licensed driver. We wonder if this has ever been explored in Ontario.

The criterion requiring a person with at least four years' driving experience to accompany a level 1 driver was positively received by health department staff, although again, we wonder how enforcement would be guaranteed.

In conclusion, the Scarborough health department supports the proposed graduated licensing legislation and believes that as with any new program, ongoing evaluation will help identify strengths and weaknesses. We believe the proposal is very comprehensive and we welcome any communication regarding the program's progress.

The city of Scarborough health department shares the vision of the graduated licensing system, namely, to reduce mortality and morbidity for motor vehicle crashes. We believe that a coordinated approach to this serious public health problem is vital to its success. We will be following closely the progress of this proposal in the Legislature and we look forward to a graduated licensing system in Ontario.

Thank you very much for your time and consideration.

Mr Turnbull: You spoke about the potential of mandating driver education, which at the moment of course it isn't. How would you foresee this being done? Would you write legislation which would say that you couldn't get your licence unless you took driver education?

Ms Lang: That is one possibility, that perhaps in level 1 there would be—it doesn't have to be a giant course, but a small course that everyone would have to

attend where some defensive driving information and skills would be taught. We know that when people are first learning to drive, they're very busy trying to just coordinate the mechanics of driving, so if we can get people to have time with that and then introduce them to more defensive driving and different skills in level 1, that is a standard that's set and across the board for everybody so we have some control making sure everybody is receiving appropriate and qualified instruction.

Mr Turnbull: Let me ask you something to position this. I have been, more than anybody else in the Legislature, the person who's been pushing for graduated licences, almost like a broken record for the last two years. So I'm delighted that this is happening now. I'm from a Toronto riding; so are you—Metro Toronto, I have to emphasize. It's very easy for us to take an urban view of things. There are people in northern Ontario and other parts of rural Ontario who are a long, long way from any facility that would offer driver education. So I would ask how you would see that fitting in with your suggestion that we should mandate this.

Ms Lang: I think it would be more difficult. I take your point very seriously: It would be more difficult for people in rural areas. We haven't thought it all completely through. With that, I don't know if it would be possible with driving schools to begin more of overall standard-setting with different driving schools all over Ontario so that everyone would be able to do it.

Mr Turnbull: There's a big difference between setting standards for driving schools and mandating that people use driving schools. Certainly, if I had my druthers, I would send everybody to a driving school, but it may not be realistic in Ontario. I think it's very easy for us in urban areas to take—

Ms Lang: That view.

Mr Turnbull: —that view. So in making any law, we have to be sensitive to the vastly different situations that exist across the province. Let us say you have this as an optional program as we have it at the moment. As a public health nurse, you must be very familiar with the success of some of your programs and the lack of success of other programs. It's a question of incenting people. If you haven't mandated something, how would you incent? Would it be through the insurance system?

Ms Lang: That's one possibility, or again with formal driver education, perhaps in level 1 shortening the length of time that you were in the level if you had completed a specific driver education course. That would be one way we could see doing it, because I know you do need to provide incentive, we find with the teens that we deal with.

Mr Turnbull: Yes. Thank you very much.

Mr Mike Cooper (Kitchener-Wilmot): One of the

questions that's come up for the committee is that the people who are going to be directly affected by graduated licensing, we don't have many of them coming and presenting. I'm wondering if there's a back-and-forth dialogue between your group and the students or whether you're just doing an education thing. How do they feel about the graduated licensing? I know there's a lot of apprehension out there by the young people—

Ms Lang: Yes.

Mr Cooper: —and that's why we have a six-month waiting list, because everybody is trying to get in right now. Have they given any feedback on how they're going to be affected and how they are approaching the idea of graduated licensing?

Ms Lang: Sure. Yes, some of the teens that we have talked with are quite concerned about the restrictions that are put on. A number of the teens I've talked to are beginning to understand, as we educate about statistics and the risks and behaviours that go on, that yes, it is an important thing for them to be restricted. They're not happy about it, but what we try to stress as well is that driving is a privilege, not a right, and that there's a lot of responsibility that comes with it and that these are measures that are not just for teenagers but for all new drivers. So we try to help them realize they're not being singled out and picked on. But I think some of them are coming around.

Mr Gary Wilson (Kingston and The Islands): Thank you, Ms Lang, for your presentation here. I was just wondering what—and I missed this; perhaps you went over it—your association with driving is in your responsibilities as a public health nurse.

Ms Lang: My responsibility is mostly education about safe driving of people who live in Scarborough. We also, with our children's team, talk about general child safety, car restraints, home safety, that type of thing. We do presentations in the schools about drinking and driving, risk-taking, decision-making, all the contributing factors to motor vehicle crashes. This is a new committee that we've just developed. We've been working in conjunction with the police on some of our presentations as well and using their resources.

Mr Gary Wilson: This idea of who will instruct the instructor, the experienced driver: As we know from observation, there are all kinds of driving experience out there. Even people you would expect to know better don't always do the appropriate thing. I was wondering whether you could give some idea, then, about refresher courses or just how education could fit in beyond the graduated licence, partly in relation to Mr Cooper's question about how young people look at it, because I think one of the things they say is, "Why are we being picked on when there are so many bad habits out there?" What can we do? I'm thinking from your experience as a public health nurse not only in the area of driver education but also public health issues that

suggest there are better ways of doing things, that people tend to forget after their first lessons how to behave in a way that's appropriate.

Ms Lang: I think I could see possibly, again with our education programs with our adult team as well, that if there were refresher programs available we could advocate for people to attend this type of thing and highlight again the dangers and the risky behaviours that we're seeing. I'm trying to think of some other things.

1050

Mr Gary Wilson: Would you go so far as to require it, since driving is so important and the consequences of bad driving are so severe?

Ms Lang: It would be something really worth considering, to tell you the truth. Your suggestion is that perhaps after a few years of driving, when you renew your licence you have to go back and take a test again?

Mr Gary Wilson: Or even some instruction, because circumstances change so much over the driving life of an individual.

Ms Lang: It's possible. I haven't discussed that with anyone at the health department.

Mr Gary Wilson: Mr Cooper thinks he'd lose his licence.

It's come up about having some kind of a decal or some indication in the car that the person driving it is somebody learning. Do you think that's a good idea, singling them out that way?

Ms Lang: I think it's going to be only one of the ways that, say, the police are going to be able to perhaps randomly check and know that it is a learning driver. I don't see there being too much problem with it. I don't know how the teens are going to feel about this.

Mr Gary Wilson: Again, it fits into this idea that people shouldn't be so impatient, perhaps, with any driver, never mind just a learner.

Ms Lang: But you get behind a learner and go, "Oh, boy."

Mr Gary Wilson: Yes, but as I say, maybe you should treat all drivers with courtesy and respect. It's not always really the problem of the person. There are cases where maybe somebody is being uncooperative, but it could be that the person who is impatient is the problem.

Ms Lang: Not the driver.

Mr Gary Wilson: That's the kind of driving we should be encouraging.

Ms Lang: I take your point there. I think the reason I would suggest that the sticker be there would be for enforcement, but yes, I have to agree with your point there that we should all be driving with courtesy and respect, and maybe we don't need the stickers. Do they still use them in Britain?

Mr Turnbull: Yes.

Ms Lang: Last time I was there they had them. I remember relatives there having them on their cars and it was fine. It was just accepted. Perhaps the teens would be that way here.

Mr Daigeler: Most of my questions actually have been asked. However, I'd like to know how much, approximately, of your time you spend on helping the younger people understand the dangers of the road and road safety education types of things. I was very pleased to hear you say that you're doing some of this work. I hadn't, frankly, associated the work of the public health nurse with this area, but I think it's a good idea.

My second question would be whether the other boards also look at driver safety as an issue for the public health nurses.

Ms Lang: To answer your first question, there are approximately 15 nurses on the adolescent team I work with, and we all have high schools in various community associations that we work with. All of us, over the next year, will be providing some presentation, classroom work or a display at our schools, and we will be doing large mall displays where we would be reaching 500 to 800 people in a day with information. This is fairly new for us. We've just been mandated by the Ministry of Health. Our standards include the education of motor vehicle crash morbidity and mortality in today's teens, and then we've gone on and made a specific Scarborough objective that we're trying to reduce the number of accidents and increase the use of seatbelts among our teenagers. It's a fairly new program, so I'd be able to give you numbers down the road.

Mr Daigeler: Since you're saying it's fairly new for your area, I presume it's fairly new for everyone else across the province. Are you aware whether there are others that are involved in this?

Ms Lang: There are other health units across Ontario that are beginning to develop programs.

Mr Daigeler: Beginning to?

Ms Lang: Yes. It's fairly new, because it seems, as you say, sort of a stretch for the role that we normally play. But again, with health promotion and disease prevention it does fit within the—

Mr Daigeler: And you're saying that the push is coming from the Ministry of Health? Is that where the initiative came from?

Ms Lang: Yes. It is included in our mandated standards and programs that we must offer. It's from the Ministry of Health.

Mr Daigeler: I really think this is an important area. I don't know whether you had a chance to get a copy of the brief from the CAA.

Ms Lang: No. I'd be most interested in that.

Mr Daigeler: I think you would be interested because they're referring to a study that was done by the American Automobile Association on why young people drive the way they do. Especially when you try and educate the young people, I think it's very important to analyse what drives them. I would recommend to you to get a copy at least of this brief, if not of that AAA study. I think in there they are pointing out that what is really crucial isn't just sort of training but a changing of attitudes. Of course, how do you change attitudes? That is, in all cases, a very difficult undertaking, but as long as one clearly understands the motivational factors that are in place, I think then at least you have a better chance.

Frankly, I just want to say I wish you well in your undertaking. I think that's certainly very important as well, in addition to the legislation and the regulations that are being proposed, because the one thing is information and training and the other thing is actually doing what you were taught and trained to do.

The Chair: With the committee's indulgence, I would like to ask at least one question. The critics of this process would suggest that a graduated licensing system has inherent in it some inequities and some inconvenience for people. I would suggest that likely victims of serious accidents suffer some inconvenience as well, and there are a whole range of issues, I think, involved with that.

I would like to know from you, first of all, if you have a lot of dialogue with, for example, young people in the education system around this issue of whether or not they feel they are being discriminated against, or this is a major inconvenience that they can overcome. If that's the view, what would your suggestion be to legislators who have to look at the public safety issue and are also accountable for the inconvenience and inequity issues? In other words, many people, particularly rural members, I'm sure, will have some very heated meetings about what this is doing to farm children, for example, in terms of major inconvenience in the operation of a farm. I would just like your views on that, and if we're going to err, where do we err?

Ms Lang: I would err on the side of caution. That's from nursing, isn't it? As for dialogue with young people, we have not had a great deal, but we have had some dialogue with them, and yes, some of them do feel they are being discriminated against with this.

The Chair: Do they understand the health and safety issue or is it just a feeling of being discriminated against?

Ms Lang: I think they're beginning, as I said, to understand. That's what we've been trying, with our presentations as well, to have information about graduated licensing and then to expand upon it, the reasons why, using statistics. We have videos and different things that we use that talk about the results of acci-

dents and we try very hard to help them understand the reason.

Once they listen to us and we do dialogue back about it, most of them do start to realize that it's not just teenagers who are being targeted, but all new drivers. I think initially there will be some upset about it, but I think with perhaps education programs such as we can offer as well, and the media, it will begin to disseminate and people will begin to understand. I think we have to err on the side of caution. I really think we do.

The damage, the pain and suffering that accidents cause cannot be overlooked. It is a major public health problem that has to start to be addressed with great seriousness.

The Chair: I thank the city of Scarborough public health department, nursing division, and Judith Lang, who very ably represented it this morning. Your views are important to the committee, and we hope you'll stay in touch with us. If you have further information at some point in time—I think there was a hint that you may have for Mr Daigeler—please forward it to the committee. We'd appreciate receiving it.

TORONTO CITY CYCLING COMMITTEE

The Chair: Next is the Toronto City Cycling Committee; Barb Wentworth and company. Nice to see you again, Barb. You're no stranger to this committee. Identify yourselves and proceed with your presentation.

Mr Antonio Lopes: Good morning. My name's Antonio Lopes. I am a trustee for the Metropolitan Separate School Board here in Toronto and a member representative for that board on the Toronto City Cycling Committee.

Mr Paul Rappell: I'm Paul Rappell, co-chair of the city cycling committee.

Ms Barb Wentworth: I'm Barb Wentworth, bicycling safety education coordinator for the city of Toronto. 1100

Mr Lopes: Mr Chairman, members of the committee, the Toronto City Cycling Committee appreciates the opportunity to present a cycling point of view on the proposed graduated licensing legislation. As mentioned, my name is Antonio Lopes. Barb, myself and Paul Rappell are here before you to present our views as members of the Toronto City Cycling Committee. Barb is also on the board of the Road Safety Educators' Association.

The Toronto City Cycling Committee is a special advisory committee to Toronto city council. Our mandate, as specified in the terms of our structure, is basically to encourage the use of bicycles and to improve safety for cyclists in the city of Toronto.

We work in three areas: (1) to promote cycling through events like the Bike to Work Week; (2) to improve facilities for cyclists, such as on-road bike lanes and bicycle parking facilities; (3) to educate

cyclists and drivers to safely share the roads, which is a serious concern for the Toronto City Cycling Committee, through programs that we've implemented, such as Can-Bike education courses for cyclists, safety, prevention, awareness, courtesy and enforcement programs, or SPACE programs, and a selective traffic enforcement program. Included in that are the recommendations we make through the committee for improvements to current legislation.

I'd like to just comment on the background of the committee. The last time we were before this committee, we talked about cycling safety and bicycle helmet legislation. As you know, the Toronto City Cycling Committee supported Bill 124, but recognized that this legislation by itself is not enough to ensure the safety for cyclists. We made the point that bicycle helmets offered protection to cyclists during a crash, but helmets really do nothing to prevent the crash from happening in the first place. Only knowledge and skill acquired through proper training will prevent crashes from happening. We seriously believe this and we've affirmed this in the city cycling committee.

The committee basically is here to make a very simple statement, a very neutral statement that new drivers, those who are going to be given the graduated licences, be taught how to share the road safely with cyclists. The Toronto City Cycling Committee believes that it is imperative to have a better educated cycling and motoring population in order to reduce the number of crashes and fatalities, and of course the resulting tragedies.

The committee is here to ask to ensure that drivers attending driver education courses receive thorough training in how to safely operate a motor vehicle with non-motorized vehicles using the same roads. This would involve changing course curriculum and materials to contain adequate cycling content and ensuring that students are evaluated on their knowledge and their ability during the testing procedure. This is a key concern for us.

In your literature, it states that inexperienced drivers who receive licence suspensions would have access to government-developed special learning materials to assist them. The Toronto City Cycling Committee applauds, of course, this move and again recommends that all materials used in driver education and testing be reviewed to ensure that drivers are learning skills to share the road with cyclists in safety.

A very important point for the Toronto City Cycling Committee is that the committee believes that the amount of training available on cycling issues to all motorists and all cyclists is really inadequate. Statistics, both in Ontario and in the city, seem to support this. Between the years of 1978 and 1992, 29 to 50 cyclists were killed each year in Ontario. This represents, of course, about 3% of the traffic fatalities.

More and more people, especially in Toronto and outlying areas, are using bicycles as a method of transportation, as a method of recreation. An additional two million cyclists are currently riding in Ontario. In Toronto, we see an increasing public interest and demand for improved bicycle safety and better on-road facilities. As members of the Toronto City Cycling Committee, and my colleagues will attest to this, we've attempted to do as much as possible to improve this bicycle safety both in the city and obviously through our pursuit of helmet legislation in the provincial act.

The Ontario Government Technical Report on the new Bicycle Policy reflects this need for improvements in safety for cyclists. "The provincial government and the Ministry of Transportation have a continuing role to play in improving safety of cycling." Of course, it includes a recommendation that driver handbooks and licensing tests be reviewed to evaluate the feasibility of incorporating more references to safe cycling and bicycle operating characteristics. The Toronto City Cycling Committee would like to see this review expanded to improve the type of cycling information included in the curriculum in driving schools in Ontario.

At this current moment, I'd like to pass the floor on to Barbara Wentworth, who will give you another slide presentation, if possible, on the issues of city cycling, of cycling in general. Then we will have questions and my colleague Paul Rappel will be able to answer any questions from the committee.

Ms Wentworth: We wanted to bring some examples of the type of information that we think new drivers, especially, but all drivers should have.

The Chair: We need to have you wired for sound.

Ms Wentworth: I won't try to repeat that. I don't remember what I said.

Right now, we believe that motorists get very little information on how to negotiate on the road with cyclists. There's little information available. There are more and more cyclists on the road.

I think it's very lucky in driver education, if the student is in the car with the instructor, that they actually pass a cyclist because that opens up an opportunity for the driving instructor to tell the student what to do around cyclists. Unfortunately, what is passed on is very unclear to us. Everyone seems to have an opinion about where bikes should be on the road and what they should be doing. Everybody brings his own bias to that, and whether that has any relationship to safety or the law is a really big question for us.

I think we have to look at making sure that the attitudes and the information that are passed on to new drivers are correct. That is a very key component to increasing safety for cyclists, so let's just start right now and look at where cyclists ride on the road now.

I don't know how many people here cycle. We start

off very carefully with the cyclist's position from the curb. A lot of drivers feel that cyclists should stay right over in the gutter, stay out of the way, because that's where they'll be safest. A lot of novice cyclists feel that's the best way to be as well.

What we teach is that if a cyclist stays a metre out from the curb so that they can ride in a very straight line, they're very visible and very predictable to motorists. Now, what happens if a new cyclist rides too close to the curb?

Mr Daigeler: They hit the gullies.

Ms Wentworth: Sure. They run into the sewer grates or the potholes or glass or whatever. What happens then is that the cyclist has to swerve out into traffic to get around that, and that really increases their risk a lot when they do that.

The other thing that puts them at risk there is that if they are riding too close to the curb and a motorist passes too closely, they have nowhere to go. There's no escape route, there's no place for them to be. So it's really important that they stay out from the curb and ride in a very straight line so they're predictable. It doesn't help when motorists believe they should be over closer to the curb. That's really key information.

The same thing happens with parked cars. We have a problem in Toronto that we basically call the door prize, when you ride along and someone opens the car door and you go flying into it. It sounds funny but it's not when you hit the door. Again, we teach cyclists to pretend that all those car doors are open and ride past them. That way if something happens all of a sudden, they're not surprised and they're in a correct road position so they're not going to get hurt. That puts a cyclist a lot further into the traffic lane than a lot of car drivers would like to see them be, but again, it's a defensive driving technique for cyclists. We want drivers to know that. We want them to know that there's a reason that cyclists have chosen to ride in the positions that they are in.

There are also innumerable times—let's just do this one—where cyclists have to take the middle of the lane. There are usually very good reasons for a cyclist to take the middle of the lane. If there's construction, if for some reason the lanes are narrow, the cyclist is supposed to shoulder-check, make sure there's room, signal, move out, take the centre of the lane. What that means is that car drivers have to either stay behind until the cyclist moves back over or has to pass in the next lane.

All of us can attest to the fact that you get people honking their horns, "What are you doing out in the middle of the road?" Well, if the driver was looking at the road from the perspective of the cyclist, he would know why the cyclist is out in the middle of the road. Under the Highway Traffic Act, it's perfectly acceptable for cyclists to take the centre of the lane of traffic if

their safety warrants it. This type of information is crucial for cyclists, and as more and more people are cycling, motorists have to understand why the cyclists are making the decisions that they're making.

1110

I see this on my way to work every day. What's wrong in this position? Say this car is turning right, the flicker is on and the cyclist is going straight through. What are the errors in this type of situation? Usually, the cyclist is passing the car on the right or the motor vehicle has overtaken the cyclist and is going to do a turn in front of him. Problems at intersections cause more difficulties for cyclists and motorists than in any other stretch of roadway. That is something that I see.

The error there is that the cyclist is passing on the right. The cyclist should stay behind. If the motorist is overtaking, motorists have to be able to judge the space and the speed of the cyclist. That takes experience, and new drivers have a great deal of difficulty with that.

I'll just show you some correct positions with this. In this situation, the cyclist should either be in front of the car or behind the car or passing on the left. You'll notice that the motorist is making a correct right-hand turn, because he is in the right-most position in the lane to make the turn. Many times they'll be riding along and the car is going to make a right turn. They swing way out and then there's a real conflict. Who has the right of way? We have to avoid those kinds of situations. Drivers who are taking education programs have to get this information and incorporate it into their behavioral skills so that they know what to do around cyclists. Cyclists also have to get this information. We've got a long way to go on all of this.

Left-turn lanes: Many car drivers and many cyclists will say, "Why are you out in the left-turn lane?" Bicycles are vehicles under the Highway Traffic Act, and as long as you're driving according to the Highway Traffic Act, manoeuvres such as this are perfectly safe as long as you have the skill level for it. But many is the time that a motorist here will be honking and indicating that the cyclist should not be out in the middle, should be somehow turned into a pedestrian and that will keep him safe. Cyclists and motorists have to understand that the same rules that apply to car drivers also apply to cyclists, and must have the skills to be able to do that.

Streetcar or railway tracks are another reason that the cyclist has to move out into the centre of the lane, and frequently car drivers do not know why the cyclist is doing that. They have to cross the tracks at 90-degree angles in order to safely negotiate streetcar tracks. I guess I would really like to tell motorists not to pass cyclists while they're going over tracks. It's so easy to catch a tire and go down. I think motorists need to be aware of the hazards that cyclists face.

We won't talk about this one. This is specific to

Toronto, but these are the types of track situations we get all the time. People have to know how to negotiate through that, and be careful and be courteous.

I'll just show you one other thing. Actually, this came out of a conference with the Road Safety Educators' Association. It was a situation with a road. There's a cyclist here and a motor vehicle is approaching here. This is an instructor in the car with a new student. The driving instructor used to tell the student, when they approach a cyclist, to pass in the next lane and give the cyclist lots of clearance.

Then the driving instructor told me what happened. When the car moved over here, the following vehicles would go tearing through with very little regard for the cyclist or the amount of space that was necessary, and put the cyclist at risk. So this driving instructor now indicated to students that the correct position for the car is to straddle the lane marking until they pass, because it doesn't take long to get past a cyclist, and then move back over. It provides some extra protection for the cyclist.

There are all kinds of things like this, and we certainly intend to work with the driving schools in Ontario to try to get this information across. There are many more things that I could explain. Fortunately, this information is available. We teach it in our Can-Bike courses, which have been picked up by the Metropolitan Toronto Police Force for its bicycle officers. There is a lot of good information out there. We need help in making sure we can get this information to drivers, so anything that can be done through the graduated licensing process certainly will help the situation.

Mr Lopes: We hope that the information we've provided you today and the generous pieces on the board that we've had made for you give an indication of the concerns that we have in terms of bicycle safety education for motorists. We hope that you think differently as a result of it. We hope that this increases the understanding of bicycles and the hazards they have currently on the road, and that in future when you're discussing graduated licensing, you decide to include bicycle education as part of your graduated licensing proposals.

Mr Gary Wilson: Thank you very much for coming to make this presentation. I'm really pleased to see this subject being raised in this discussion. I am a bicyclist and was strictly a bicyclist, but that's before I was elected. In Kingston it's quite a different thing, and a lot of my fellow citizens in Kingston don't know how people can cycle in Toronto. It just seems too hazardous. But it has its hazards even in Kingston, and I'm pleased to say that there is a growing awareness, partly through the public health unit as well as the police departments there, to raise the awareness among both cyclists and the non-cycling public.

It seems to me that this is an important area. A

consideration would be that bicycles are available to people of all ages, and the kids, if they're riding bicycles, are going to have this awareness of what it means to be a bicyclist before they get their drivers' licenses. That will be one of the things that will change what appears to be the ignorance of a lot of motorists about what it means to bicycle.

I was just wondering what we can do to encourage more kids to bicycle. Since we haven't got a lot of time here, what would be the single most important thing; for instance, bicycle sheds? That's a concern to me, with my kids getting bikes ripped off because there's no place to park their bikes. Yes, Paul?

Mr Rappell: I can provide some input into this, hopefully as briefly as I can. Your question would require days to answer. Okay?

Mr Gary Wilson: Yes, and your course. I want to point out that course and your suggestion to emphasize that driving instructors should be taking that course.

Mr Rappell: In addition to my duties with the cycling committee, I'm a Can-Bike instructor through the cycling committee. I work on the multiple sclerosis bike tours that operate throughout the summer and have a chance to see a lot of interaction on the roads, but more importantly I'm a parent and a teacher. My personal point of view is to get some form of cycling education, based on Can-Bike and the children's course that we have, into the schools. That's one thing, because unfortunately we're starting from a base of ignorance, basically, where people have been brought up that their cycling education ended when Dad let go of the bicycle seat, and that's been it.

What we get now in the education system are the police officers, who are very well meaning, but they're not schooled in this. They come in once a year to do a bike rodeo and maybe show some films to the primary classes, and that's the extent of it. I work with students and I can see the ignorance of it, the ignorance of the parents and of the students themselves and of other teachers who aren't familiar with it, who are very scared to go out on bikes. I commute every day and I came down here by bike.

If you want a wish list, we could give you a wish list, but we don't have time.

Mr Gary Wilson: Exactly. I think it's important to emphasize though that for kids that is a form of mobility and that would lessen the pressure to get a licence, at least in areas where it's feasible to bicycle.

Mr Rappell: We need a good, ongoing dialogue with all forms of traffic, be they motorist, cyclist or pedestrian, and we need to build up that level of awareness. We've done a lot of work in that from the committee's point of view, but the task is just at the infancy stage, I think.

Ms Wentworth: We would really like to have in the

future ideas like, if a student is certified under Can-Bike in high school and then goes on to take driver training, can there be some kind of reduction in costs? Because a lot of the material that we cover is also covered in driver training. It would be nice to have kind of a progression thing, because it would allow students not to give up their bikes because they've got a driver's licence and provide them with the skills to do that safely.

1120

Ms Sharon Murdock (Sudbury): Just in terms of that and the presentation you made, the level 2 exit test: One of the things that could be suggested under the graduated licence program would be that defensive driving with bicycles on the roadway would be and should be part of the test. My question is whether or not you think it should even be included in the level 1 test, rather than leaving it to the end of the other.

The other thing is that yesterday we had the moped motorcycle association, whatever, and after they made their presentation I said to them that automobile drivers tend to treat bicyclists, particularly at turns, much the same way they treat motorcyclists in their attitude towards them on the roadway and I was wondering if they had ever gotten involved with the bicycle associations that were available or worked together in terms of education and information. They hadn't, but they thought it was a good idea, so I'm just wondering whether or not you have looked at that possibility. Those two questions.

Ms Wentworth: As far as level 1 or level 2 is concerned, I don't think I can comment specifically on where bicycle training can fit in, but I certainly would like to see it considered at all levels. I mean, you get people who drive cars who don't ride bikes. Part of the difficulty in Ontario is that a lot of motorists have never been on a bike, whereas in Europe most of the population that drives also cycles so they kind of understand what it's like to be on the road and tend to give cyclists a little bit more room.

It would be great to make it a requirement of driver training to have cyclist training. But I also think that, as the state of things are right now, with graduated licensing or just in driver training courses, it would be really nice to include the Can-Bike information and make sure it gets through.

You can teach Can-Bike to someone who doesn't know how to ride the bike. It is an on-road course. You have to take people out in traffic and teach them how to make judgements and decisions in traffic. So if they don't know how to ride a bike, they can still get the theoretical part of it so they have some kind of parameters to put the information into. I think that's a very interesting concept.

Mr Daigeler: I think it's important what you're doing there to make us aware and make those who are

learning how to drive aware of bicycles and the problems they experience on the road. At the same time, I think, and I'm sure you realize this, that there will have to be quite a bit of responsibility on the bicycling community itself, and I guess on your organization as well, to work with the driving schools and with the people who are actually doing this. Generally I try to stay away from saying, "Well, government has to do it and you have to legislate and you have to do this," because of all the implications that that brings with it. I read in your brief that you are also on the board of the Road Safety Educators' Association, so I'm sure that's part of your mandate and the reason why you are there. But I would say that, in my view, the main responsibility to put across the viewpoints that you've put forward rests not with the government but with you people, frankly, and with the bicyclists and with the people who are involved in teaching others to drive. Therefore, I don't think we should put that on the shoulders of the government. We should say, "Okay, we see a problem, we see a need; let's do something about it."

I would just encourage you to work very closely with the driving schools and the driving safety people and so on. I think there's a lot of room there to still further improve that whole system. I was pleased to see that some of the driving educators are getting together themselves and so on. They're cleaning up their own act. But I really hope that we're not waiting for government, because I think there are a lot of things we can do ourselves to make sure that what you are saying is being heard by those who have the opportunity to follow up on it.

Ms Wentworth: I certainly understand what you're saying and I think that as many partners as we can pull in on getting information out to the public as possible, that's a very important key. But the helmet legislation did pass and most of the people here were involved in the discussions around the concerns of cyclists for safety on the roads. While I don't want to say this one issue is any one group's responsibility, I think the more we can put our heads together and make sure that information gets out—I think the cycling community feels at times that there's more assistance to motorists in that there's a licensing process and there are certain requirements that drivers and vehicles have to do and things like that. It feels a bit like we're in a catch-up thing. With more and more people riding, we have to get this information out to people to increase safety and prevent injuries. Whenever there's any kind of a legislative thing that has anything to do with the roads and public safety on the roads, I think the cycling communities will be there to say: "Help if you can. Let's find a way to get this information out."

Mr Rappell: Those of us here can personally say the things we have done as members of the committee out on the roads, for example with the SPACE programs

we've done with the Metro Toronto police, where we don't just target cyclists, we get pedestrians and motorists and inform them of the way they should be behaving on the roads and sidewalks. But I'd just like to stress that I feel that the government generates the climate, that the push, whether it's by information or by what you put into your legislation, comes from the government. Then we do our part. Our part is limited by who we are and the resources that we have. But the initial shove has to come from you people.

Mr Turnbull: I'd just like to comment on what an excellent job you've done over the years of promoting bike safety. I still think there's a long way to go. When I see cyclists at night without any lights on their bikes, I just go wild. It's almost an invitation to get into an accident.

We've had somewhat of a discussion over the last couple of days over whether driver education should be a mandatory component of graduated licences. When you start talking about mandatory driving education, the problem of course occurs when you get into rural areas. It's much more difficult for people to have access to the schools. So I wonder if you could comment on your views on whether it should be mandatory, because I take it you believe that within driver education they should build in an awareness component of bicycle habits. The other side of the coin would be, depending on your answer, do you think there should be some mandatory requirements for bicyclists in terms of being able to ride so that they don't do wrong things?

Mr Lopes: On behalf of the committee, I think the interest of the committee was to come here to give you an understanding of what it is that we would require or request that the government look at, if at all, in deciding for graduated licensing. The key concern was that education is a primary focus for us and that if there is driver training, education on cycling should be a key concern and a key component of that training.

We all have our personal views on the issue of whether it should be mandated or not. We're not here, unfortunately, at liberty to give our personal views, but we are here on behalf of the city cycling committee to respond that education is a primary focus and that any driver education provided on cyclists is going to benefit all parties concerned.

Interjection: You could be a politician.

Mr Bill Murdoch (Grey-Owen Sound): That's a good political answer.

1130

Ms Wentworth: Can I just bring one more thing up with the Can-Bike training? At this point in time, this program is just being developed and we're trying to get information out to the general public to encourage them to take the course. At this point in time, we've sent instructors to Peterborough, to Kingston and to

Hamilton to set up Can-Bike programs to certify instructors in those areas. We really need some assistance from the provincial government on that, because you can't offer courses if you don't have instructors, and it's very, very difficult.

I'll just go on record in saying that the cycling committee wants to take the Can-Bike program and make it as readily in the community as Red Cross swimming classes or St John Ambulance classes. Starting from where we're at, we've got an enormous task at hand and we need all the help we can get.

Mr Lopes: Mr Chairman, thank you for having us here. The Toronto City Cycling Committee appreciates the time and your patience and we hope it's been a learning experience for not only us but also yourselves.

The Chair: I thank the Toronto City Cycling Committee and each of you. Of course, I think none of you are strangers to this committee in terms of dealing with Bill 124, the bicycle helmet legislation. I will offer my personal opinion that I think government has at all levels some role to play in making sure that we deal with very serious public safety issues, and when I look at the traffic volumes today and I picture in my head an underskilled, untrained motorist and an underskilled, untrained person on a bicycle having to deal with what I consider is inadequate municipal infrastructure to accommodate cars and cyclists, it is little wonder to me that there are some of the disasters we see. So I support the initiatives that you bring before this committee today and have in the past and thank you very much on behalf of all members of the committee for appearing.

MADD CANADA

The Chair: The next scheduled witness is Mr John Bates. Good morning, sir, and welcome. You've been allocated one half-hour for your presentation.

Mr John Bates: I could go on until the end of the week about this whole topic.

I'm from Mothers Against Drunk Driving. We represent the automobile crash victims. We probably have a greater stake in what is going on here now than any other single group of people that could appear here. We represent the tens of thousands of families and people who have been killed and injured in car crashes, most of which are totally preventable and should never have happened in the first place, which is quite clearly the most serious social problem that we face in this country today. We have five members of Parliament to hear this. Over at employment equity there are 30 waiting. It puts things in perspective.

I come here this morning with feelings of both satisfaction and frustration: satisfaction that we're finally approaching what I think is an epochal moment in the history of automobile safety in this country, but frustration and anger in wondering why it's taken so long. This isn't something that just popped up the other

day. This has been going on now for years. I wrote my first editorial when I was with Maclean Hunter in 1983 after having talked to Herb Simpson.

This battle has been waged by people whose only interest is saving lives. That's all. We have no other interest in this thing; we just want people to stop killing themselves on our roads.

If a disease wreaked the same havoc on society that car crashes do, look what we would do. We'd close down the schools, we'd have screaming headlines in the papers, we'd have compulsory inoculations, we'd have quarantines. We wouldn't care whether it was fair or not, we'd do whatever we had to do to conquer that disease. But it's not; it's just people killing themselves in cars, and somehow the government really doesn't care very much about that.

Car crashes kill more of our young people than all other causes of death combined. It's not, as it says in the motorist booklet here, the leading cause. It kills more of our young people than all other causes of death combined.

What are we going to do about it? We're going to have another hearing.

Of all those people killed on the roads, 40% are under the age of 25, a dreadful waste. It's still the largest cause of accidental death of any age. When a young person dies in this province, the chances are overwhelming it will be in a car crash.

Look at all the other causes that have somehow captured the front pages and the interest of the Legislature. For example, young persons are not likely to die from AIDS or drug overdoses or being murdered. You can take all those things and add them up and they're nowhere near the tragedy caused by car crashes. Hundreds of thousands of Canadians are either put in the hospital or permanently maimed every year by car crashes. You're at far more risk—any of us are—from a drunk behind the wheel of a car than you are from a tug in an alley. So let's start doing something. The cost is in the billions.

I'm not suggesting there's some hierarchy of deaths and victims; there's not. Any premature death is terrible. Let's get things in perspective.

There is only one answer, and that's what the victims of drunk drivers have been preaching for a decade now. You know and we know there are people driving cars in this province right now who ought not to be driving anything anywhere.

Do you know right now you can get a licence in this province without ever having driven on the road? You can get your licence because your uncle, who can't teach to drive anyway, taught you how to turn and how to get past the test. He'd go out and you would go to an ersatz kind of parking lot, behave yourself while the instructor is in the car or the examiner's in the car, and

then it's quite all right for a 16-year-old to pack a whole bunch of kids in his car and drive out to the corner of Highway 427 and Highway 401 at 5 o'clock at night. That is sheer madness. It's irresponsible and dumb that this is even allowed to go on and that it's been allowed to go on this long.

While we're having this hearing here now, today, 234 Canadians are going to be injured, and 3.2 Ontarians are going to die before 5 o'clock tonight if the averages hold true. What are we going to do about it? I don't know.

Another thing, there are 6.5 million licensed drivers in this province. We know a lot about these people. We know how old they are, their ages, their sex and everything else, how many points they've got. Another thing we know about them, and we're doing absolutely nothing about, is that 10% of them are alcohol abusers, the most dangerous drivers on the road.

To put it more succinctly, there are 650,000 drivers on the roads right now who are chronic drunks and we're not doing anything about it. Those are the people who are most likely to kill you, they're the ones, and we're doing nothing. I'll suggest a way to deal with them later.

I guess the whole watchword of this committee should be that we must make sure that only those who will drive safely on our roads can drive at all, and it doesn't really matter what we do to get to that goal; that's where we should be going.

You're going to hear a lot of nonsense preached here. Some people are going to come and say, "The graduated licence is not enforceable." That's claptrap. It's as enforceable as any other licence. We basically have seven licences now, all the way from A to G, A being a tractor semi-trailer licence, and the G being the one that most of us have. They're all enforceable or unenforceable to exactly the same degree.

You may hear people, probably automotive journalists—you read it in the papers all time—who say the speed limit should be raised. People who say the speed limit should be raised are just plain stupid and uninformed. There are volumes of statistics to show that speed is a major factor in highway crashes. When I was in school, force equalled mass times acceleration. It still does as far as I know, and the crash force impact is the weight of the car and the speed it's going. It's all geometrically proportional.

What about those people who say they need their cars and therefore this is unfair to them? That's a red herring, because if they really needed their cars, you could easily put a restrictive endorsement on their licence if they have to drive their sick mother somewhere or something like that. They could have that endorsement by their local registrar.

They say it's not fair to young drivers. Well, it's not

aimed at young drivers anyway; it's aimed at inexperienced drivers. Anyway, I don't care if it's fair to them or not. I couldn't care less. I really couldn't. I'd rather have the young people treated unfairly and be alive than treated ever so fairly and be dead. I don't think that even enters into it, that it's unfair to young drivers. As far as I know, leadership never has been a question of a popularity contest. It never has been. You do what you have to do to save their lives whatever that is. If that means raising the driving age, being really nasty, let's do that too. We don't recommend that.

I'd thought of preparing a new presentation for this committee today, but I started digging back in my files. I made my first presentation to the Honourable Ed Fulton, Minister of Transportation and Communications, in May 1986. I'm just including that presentation because absolutely nothing has changed, nothing. Virtually what we recommended to the Honourable Ed Fulton in 1986 is roughly what is coming along now and we're quite happy about that.

1140

PRIDE, People to Reduce Impaired Driving Everywhere, by the way, was the beginning of our organization; we then melted into MADD, Mothers Against Drunk Driving. If you go down this presentation, partway down it says: "The carnage on highways reached epidemic proportions with 5,000 Canadians, 1,991 in Ontario alone, dying from car crashes. Tens of thousands more will be permanently injured" That's what we were saying seven years ago. There were 3.2 people being killed then; it's down to 3.1 now, seven years later. That's not because of anything that the government's done or anybody's done or driver training has done. It's because of increased use of seatbelts, radial tires, anti-lock braking system brakes, disks and the whole bit. That's what's caused the reductions. The injuries have gone up; fatalities have gone down. The crash rate has remained pretty much the same.

We somehow think that driving a car is a right. It darn well isn't. It's a very limited privilege. We decide how old you have to be, where you can drive, how fast you can do and all the rest. It's no right at all. That's been decided by the Supreme Court of Canada when the RIDE program was taken to the Supreme Court by people who said, "This is not constitutional." Well, it darn well is constitutional and the Supreme Court of Canada said the RIDE program is because driving is not a right. If it was a right, you wouldn't need a licence at all to do it. It's a privilege granted.

Go over to page 2 of the old presentation which says, "Drivers between the ages of 16 and 20 make up 5% of the driving population...for 13% of all traffic accidents, 70% of impaired and 18% of all fatal crashes." For the others, I've already said the rest of that.

It doesn't matter what we do to build safer roads and safer cars, put crash parts on cars, put in air bags and all

the rest of it. It doesn't matter what we do. We've done as much as we can really. I don't know how we could build much safer cars than we have now. That means we have to put in a system of driver licensing which is going to bring it back all the way down to make sure that only those people who can drive safely will be driving.

The problem is that no jurisdiction in North America, as far as I know, has really moved its driver training or driver licensing system out of the 1920s. When drivers' licences were originally introduced, they were nothing more than a kind of receipt for a small payment. My dad got his driver's licence in the mail. They charged him \$5, I think it was. He was incensed.

Later somebody thought, "Gee whiz, we should be having some degree of competency behind the wheel." So they said, "If you can do a three-point turn and a parallel park and have a rudimentary knowledge of the Highway Traffic Act, you can have a licence." Hardly anybody gets killed three-point turning or parallel parking as far as I know. In fact, there's no statistic to even measure it, yet that's what they're taught to do. There's been very little progress since that time.

Furthermore, when we first started licensing cars, we had no idea that we could have cars that would cruise at 150 kilometres per hour all day long. We had no idea we'd have this kind of congestion that we've got now. We had no idea that we'd have trucks that would gross out about 100,000 pounds gross vehicle weight on a regular basis. Now the governments have allowed longer and heavier trucks. I don't know what Ed Philip was talking about. I know he was opposed to it when he was the Minister of Transportation, but now we're having longer trucks. You try passing one of those things on a rainy day, with no mandated splash guards, nothing. If a car's coming the other way, you won't even see him.

I go on from here to say essentially what we want to do. We want to have a three-level system. Essentially, what the government put forward at the press conference in the spring is what we have come out publicly and said we're certainly in favour of, all those things including the blood alcohol concentration of zero. We should have the zero BAC for all drivers.

Anybody ever thought of the inconsistency where everybody's going to say, "Don't drink and drive," but the government says in the law: "No, go ahead. Drink and drive."? You can drink and drive all the way up to having 80 milligrams of alcohol per 1,000 millilitres of blood, the so-called 80. "Go ahead and do that. That's fine. You're supposed to know when you reach there." They should simply say, "Don't drink and drive at all," like airline pilots. Try flying for an airline if you've been drinking within 24 hours. You can't. Why should it be any different for something that's far more dangerous? Why should we have the 80 thing at all?

The graduated licence: I don't have to go into that,

because it's essentially what we recommended to the government in 1986. I won't even get into that at all.

Just another point about the graduated licence: Because it moves people up through, it can also move people down again. So now when a senior gets to be, I think it's 80, they have to take a test. If they flunk any part of it, they've lost their licence. There could be a lot of things, but graduated licence could simply say: "Okay, look, you're 80. You're losing your night vision. What we're going to do is jack you back down through the system to a point where you can still drive to the doctor, to the supermarket and to your friends on local roads, but we're not going to let you drive at night and we're not going to let you drive on high-speed roads."

The loss of a licence to a senior is a devastating thing to have happen. They lose their mobility. All of a sudden, at age 80, they may well be dependent on somebody else for the rest of their lives, for their transportation, yet I know a lot of people who are 80 who are very competent drivers.

I was also saying that there's nothing new about this thing. The real father of the graduated licence, of course, is Herb Simpson of the Traffic Injury Research Foundation of Canada. I talked to Herb when I wrote my first editorial at Maclean Hunter. We've been pushing for that, including Herb, I guess, at the first presentation to the Canadian Conference of Motor Transport Administrators in November 1984.

I'll just leave that as it is. Everything that we want is in the proposal now anyway.

I've mentioned several times that our organization is delighted with what your government now intends to introduce. This is a quantum leap forward and it very definitely is, but there's much more to be done, much more.

For example, we want the drinking age raised to 21. This has been the bedrock of MADD's policy. Its rationale is simple. If we can delay the onset of drinking, then we can also delay the onset of drinking and driving. The move was approved unanimously in both Houses in the United States, and all the argument, "It's not fair," and the rest of the nonsense came up. But in this province the government has refused to even consider it. We have asked for a task force just to examine the subject of the drinking age, just a task force like this to look at it and hear depositions. The government's refusal to even look at the idea of raising the drinking age reminds me of the bishops who refused to look through Galileo's telescope because they were afraid he might be right, that the earth was not the centre.

The government, clearly, on the drinking age is more afraid of the light than the dark. They don't want to be put in the position of knowing it's absolutely the right thing to do, but it might not be politically expedient and

that is just—I would use a nasty word if I said what it is. It's just silly that we do not have a task force on the drinking age. The police, the addiction people and the health departments, everybody wants the drinking age raised to 21.

Anyhow, roadside sobriety spot checks known as the RIDE program: It doesn't matter what else you do to stop drinking drivers, if you don't have an enforcement system in place, it won't work. But what we've done now is reduce or eliminate the fund. There is no RIDE program outside of Toronto. Drunks can play a very deadly game of bump cars throughout this province, because the funding for the RIDE program has been taken away. Some of our chapters are trying to fund individual RIDE spot checks. We can't do it. We can do some of it. We can't do a lot of it.

Administrative licence suspension or administrative per se, it's known as in the States: Virtually all authorities agree that penalties for impaired driving certainly must be swift and they must be severe. Police should have the right to take a person's licence or suspend the person's licence on the spot, in the police station when you blow over 0.08 in the Borkenstein breathalyzer, on a regularly scheduled and properly taken breathalyzer.

People say, "Oh, well." Your breathalyzer reading is absolute. It's like turning a light switch on and off. All the breathalyzer does is measure the flow of alcohol ions in the breath; that's all. It's absolutely foolproof. If it says it's 0.08, it's 0.08, you better believe it. It's prima facie evidence in court. They go through all sorts of things, but I'll get into that later. Anyhow, if we did that, it would clear the courtrooms out almost immediately, because people, if you suspend their licence on the spot, would want their trial or plead guilty so they could start their one-year suspension sooner.

1150

Seizing vehicles of suspended drivers: Some 40,000 people in Toronto right now are driving with no licence of any kind. We say when somebody is driving on a suspended licence their car should be forfeited to the crown on the spot and sold at auction. I don't care whose car it is, whether a rental car or Aunt Minnie's car; it doesn't matter. If they're driving under suspension, you simply lift their car. Those people who are driving under suspension are very deadly drivers. They had their licence suspended for a reason. Either we care about those 3.2 people who are going to die today or we don't. We're going to have to put in some very draconian kind of measures if we hope to answer this thing.

Permanent licence suspension: It's proven that most of the fatal crashes in this province are caused by people who blow 0.165 or better. These people are so stupidly drunk it's lucky they can get the key in the lock. Those are the people who are going to kill you.

We say on the second offence—you give them the one chance, their one-year licence suspension and give

them all the education; if they do it again you take their licence away for ever. Like I said, I was going to get to how we get the chronic drunks off the road. That's how you do it. Impaired driving is an odd thing. You're not measuring what people are doing—following too close or something. It's the condition of the driver. So the only way you're going to find this chronic drunk is in the spot check or in a crash. Once you find him, and you find him on the second offence, he's gone for good and we're all safe because he's not going to be on the road again.

Licence endorsements: There are cars on the road that I don't think ought to be on the road at all, like the Corvette, the LX7, some of the Firebirds, the five-litre Mustang and so forth; the Taurus SHO particularly. I believe we should have a licence endorsement; people have to have special training to drive these cars.

Let's talk about the SHO for a minute. The gyroscopic effect we learn in high school or public school, as far as that goes: If you have a gyroscope going this way and you apply a force at right angles, it creates a force right angles to the cage. What happens with the SHO when the front wheels break away—it has this enormously huge engine, absolutely unnecessary to go down and buy a quart of milk or something—and the wheels start going like so, it creates a force that way. And what's over there? Oncoming traffic. You'd have to be a race driver to handle that car—anybody who would go out and buy one.

The same thing with Corvettes: There's no reason for those cars to be on the road at all in the first place, largely because the people who tend to buy that kind of car have entirely the wrong idea about what driving is all about. It's just madness that they even allow them.

Leaving the scene: The way it stands now, an impaired driver is far better to leave the scene of a crash than he is to stay and face the music. We would like to see leaving the scene raised to the same level as, say, a second-year case.

Two-hour limit: I recently asked both Pierre Blais, the federal Attorney General—he was; I guess he still is—and Doug Lewis, the federal Solicitor General, as he was then, why we have a mandatory two-hour limit. These are two top law officers in the country and they don't know why. They said: "I don't know why, John. I have no idea. We just do." If we raised that two-hour limit to three hours, we'd suddenly catch a lot more impaired drivers and get them off the road. Just make it a three-hour limit rather than a two-hour limit. We can always backtrack. It's silliness.

I'll simply conclude this. As well, you certainly will hear criticism of this proposal and all people have different kinds of suggestions. We urge you to stay the course with exactly what you presented in May of this year at the thing at Sunnybrook. You can do that with the absolute certain knowledge that you're going to start

saving lives the minute you do it. For too long now this tragedy is allowed to go on. The fact that we're still sitting here having hearings about it is a sense of profound frustration for me. Why can't we just get on and do it and let people worry about it afterwards? Saving those 90,000 people going to the hospital is a heck of a lot more important than sitting around talking about it.

We applaud the action you're taking. While a few people may be inconvenienced for a short time, that's a small price to pay for the good of us all.

One thing also, the future generations will look back and recognize that what you're doing here is a watershed moment in the history of automobile safety in this country. Don't listen to the naysayers. Don't be perturbed because somebody says it's not fair; if somebody somewhere says they might want their car. We can handle all those things. Let's do something that will protect us from the new drivers and protect the new drivers themselves.

I'll just conclude with that. If I sound a little bit upset, I am, and rightly so, I think.

Mr Daigeler: As far as I'm concerned, the submission is pretty well self-evident.

Mr Sean G. Conway (Renfrew North): You make a very interesting argument about applying this principle at the other end of the age scale. Most of the time when we talk about new drivers we're talking, by and large, about young drivers, though not exclusively. I was particularly struck by what you said about older drivers and the fact that the current regime, as I understand it, is, as you described it, absolute: If you fail any part of the test, you're out. Whether you realize it or not, you make a very moving case for those people and for the devastating impact that has on people.

I know exactly what you talk about and that case, I think, can be extrapolated a little bit. Those of us from the hinterland have been talking a little bit about that, perhaps not very convincingly, to some people. I'm just interested to ask perhaps somebody from the ministry, is there any contemplation of applying, as Mr Bates suggests, that notion of a graduated concept to older drivers, particularly those people who now at age 80 are required to come in and do as Mr Bates and as other witnesses have talked about?

Mr Paul Levine: Right now, within the ministry, we are completing some research which was undertaken recently regarding elderly drivers, including quite an extensive literature search on the matter. It is anticipated that we will move from that research phase into the policy development work that will be necessary.

It is also interesting to note that we can tie it into graduated licensing and in fact it has already been termed "graduated de-licensing." As I say, the research work that has been undertaken fairly recently is just

now coming to an end and it will take a little bit more time.

We also anticipate using some of the evaluation of the graduated licensing program being introduced to evaluate the effectiveness and our ability to properly enforce and monitor that type of thing. There is still work to be done before we reach that stage of introducing graduated de-licensing, but certainly we do anticipate that it is coming—the look at the policy.

Mr Conway: I should know enough to engage this discussion and I probably shouldn't but I will, and that's the drinking age. I'm 42 years of age and I remember those happy days when the drinking age was 21. I remember them well. I lived near the Quebec border. I still live near the Quebec border. I share with you your revulsion about the problems we have with drinking and driving and, in some ways, I probably want to be as tough as you want to be, for all of the eloquent and compassionate arguments that you have advanced, except I remember those days and I'm not at all confident that, as tough as you and I might want to be, we're going to be able to succeed if we don't get the state of New York and the province of Quebec, in my part of the world, eastern Ontario, to move along with us.

Mr Bates: The state of New York is 21. It's the universal age in the United States already, and none of the kids in the States become unhinged because of it, and they're seeing a reduction in deaths.

Mr Conway: Let me just stick to the Quebec border, which is where the action has usually been in my part of the world.

Mr Bates: Mr Conway, one of the absurdities of this whole thing is that the police in Windsor are now calling for a 21-year-old gambling age because they think the kids are going to come across from Detroit and go into the place and gamble and they're going to start drinking in there. So we have a 21-year-old gambling age but not drinking age; kind of silly.

1200

Mr Turnbull: Mr Bates, a lot of what you say has great resonance with me. I know you've been following this issue very carefully and you will know that since I become PC Transportation critic in 1991, I've been pushing very hard to get this legislation through.

Mr Bates: You read my stuff.

Mr Turnbull: Yes, indeed, and it was very useful. I'll tell you a story first before I ask you a question. It relates to the question of the drinking age. I have to tell you that I don't think it's realistic to change the drinking age, and I'll tell you the reason why. My brother, who is now dead, ultimately died from an auto accident that he had when he was drunk. In England, the legal drinking age was 18. At 16 my brother went out drinking. There was nothing my father could do to stop him, much as he tried; he went out. Eventually, he went to

Australia and got in a terrible auto accident when he was drunk—he was much older than 21—and then later on he had yet another bad drunk accident and he was in hospital for a year. Some 20 years later, last year, he died as a result of the auto accident he had then, because he had large blood transfusions which eventually led to a buildup of iron in the liver and he died from it.

I understand what you're saying, but I have to tell you it's my belief that legislation can only go so far. I don't think we can legislate that people don't drink. I think they will break the law if we make the law—

Mr Bates: I don't think there's a question in the world of what you're saying, that if you have a drinking age of 18 years, 16-year-olds will get it. What you're saying is typical of the thousands of tragedies that we face every day. I feel for what you're saying. But the thing is that it doesn't matter what age you have. You can raise it to 45 and younger people will get it anyway. There are two things, though. First of all, most people do obey the law. Second, it puts a very strong tool in the hands of parents saying, "No, you cannot go out drinking, because you're not old enough; the law says you can't."

If you raise it to 21, maybe some 18-year-olds will get it. People seem to hang around in peer groups within three years of their own age. As soon as it was dropped down to 18 in June 1972, 14-year-olds started to show up in detox centres. That was after it was dropped from 21 to 18 as a result of the Vietnam war, the usual things: If they're old enough to fight for their country, they're old enough to drink. Who said so? It doesn't make any sense. You're old enough to do one thing; you're not old enough to do another. It doesn't matter what age you set it at, but what you do is you raise the average age of consumption. You don't really raise the drinking age at all. Instead of 18, 17, 16 and 15, it goes from 21 to 19 and 18, something along that line. In other words, a 16-year-old probably doesn't have a 21-year-old peer to get it for him.

Mr Turnbull: The other thing which had great resonance with me was two points: one of graduated delicensing, which I believe we should do rather than just in one fell swoop taking licences away, recognizing that older people can probably safely drive in certain conditions but not others. The other thing was the question of those people who drive without a licence, usually without insurance too, that we seize their car. Where you lost me, quite frankly, is when you started saying sell the car even if it was a rental car. I think the people who own the rental car cannot be made responsible for the fact that the person was drunk. If they've come in sober to rent the car, I don't think we should start—

Mr Bates: It's not a matter of being sober when they rent the car; I'm saying when they drive under

suspension. You simply pass a regulation in the Highway Traffic Act saying it is illegal to loan or rent your car to an unlicensed driver. All you really have to do is say: "You don't have a licence. You can't have the car." The penalty is to lose it if you do.

Mr Turnbull: Okay, fair enough.

Mr Cooper: Mr Bates, you've taken a fairly hard line and I can understand why. There's the one thing, though: When you say that when you get caught for your second drinking-driving offence your licence would be suspended for ever, obviously, politically, that is unacceptable. One of the propositions that has been put to this committee so far is that maybe if you're caught for your second suspension for drinking and driving or loss of 15 points, you drop back down to the G-1 class where you have zero blood alcohol and you go through the training program. Would that be acceptable as a compromise?

Mr Bates: Not at all. We know a lot about second offenders and drinking and driving. We know that they're going to have a BAC of over 0.165. They're going to be the chronic drunks we're talking about. We know we have to keep them off the road, period. The options you've got: Do you want to drop this guy down a bit and have him go out and kill somebody or do you want to take his licence away and make sure he's sitting home watching television? That's the option.

Mr Cooper: The point is that with suspension for ever, what about people in rehabilitation? I've seen a number of people go into places like Alcoholics Anonymous and never drink again.

Mr Bates: After two years, which is the mandatory suspension anyway on a second offence, if they could prove to a medical tribunal that they no longer have a drinking problem, then we'd accept them back on to level 1 and let them stay there for a while and let the registrar of motor vehicles or somebody assess what that person does. But if you catch them at that level 1 again drinking and driving, they'd have to be gone.

Mr Cooper: That's the point: At level 1 it's zero blood alcohol.

Mr Bates: Yes, exactly. But they're going to lose it for two years anyway on the second offence. That's federal law.

The Chair: Mr Bates, on behalf of the entire committee I want to thank you for your presentation this morning, and let me say that I certainly am sympathetic with the frustration you bring with you to the committee this morning, and justifiably so. I think that as members of this committee we can have a limited effect about determining or trying to correct what has happened or the outcome of what has happened in the past, but we certainly have the ability as legislators and as a government to influence what will happen in the future. I think certainly there is that commitment among all the

members of this committee. I very much appreciate your presentation this morning and trust that you'll stay in touch with the committee.

Mr Bates: I will; I appreciate it.

The Chair: Mr Conway, did you have a point?

Mr Conway: Just for the committee, two things: I raised one yesterday. I really do hope that before we are finished these hearings we get a chance to have a group of 16- or 17-year-old students, even if somebody has to walk over to Central Tech and grab the first five teenagers you see.

Secondly, the more that this goes on, the more I'm interested to hear from somebody from the OPP enforcement branch. I think there's a benefit. An awful lot of things are being said around here that assume certain things about enforcement that may or may not be true. I don't know whether it's possible, but I certainly wouldn't mind, before we're finished, getting somebody from the provincial police or Metro to come in and just talk a bit about life as they see it.

The Chair: Noted.

Mr Paul Klopp (Huron): For other information, on the one report we had this morning, they had the USDA with regard to curfews, and it was interesting to me that New York is 62%, Pennsylvania was 69% reducing crashes, but then we went to Maryland and it went to 40% and Louisiana 25%. Can we get the data to find out the curfew information on how they do things in Louisiana, New York and all that? Not right at this moment, but just over the course of the next—

The Chair: The request is noted. The ministry has indicated it could probably provide that information and will undertake to get it to us.

We are in recess. If people would show up at 2 pm sharp, I'd appreciate it.

The committee recessed from 1210 to 1400.

DOMINION OF CANADA
GENERAL INSURANCE CO

The Chair: The first witness this afternoon is the Dominion of Canada General Insurance Co. Good afternoon and welcome. You've been allocated one half-hour, and the committee would like about half of that, if possible, for questions and answers and dialogue.

Mr George Cooke: My name is George Cooke. I'm the president and chief executive officer of the Dominion of Canada General Insurance Co and I will try to confine my introductory remarks to something less than 15 minutes and look forward to the exchange.

Good afternoon, Mr Chairman, members of the committee. Thank you for the opportunity to appear before you today on behalf of the Dominion of Canada General Insurance Co.

The Dominion is the seventh-largest property and casualty insurer in Canada, employing 1,100 people, of

whom 785 live in Ontario. About half of our business is Ontario auto. Appendix 1 to my remarks provides additional detail about the Dominion.

Along with the Insurance Bureau of Canada, we have supported the graduated licensing concept since the early 1980s. We have also supported measures that helped to raise awareness about the hazards of drinking and driving, increased seatbelt usage and have always supported enhanced road safety measures. Now we are in support of a truly graduated licensing system.

The Dominion is appearing before the committee today to express its support for the concept of graduated licensing and to support the program submitted to you by IBC. If graduated licensing is appropriately implemented in Ontario, it will save lives and reduce injuries resulting from traffic accidents. The IBC submission details the evidence supporting this proposition.

We know that graduated licensing is a key to reducing the large number of people who are seriously injured or killed on our roads each year in preventable accidents. Graduated licensing has been in effect in New Zealand since 1987 and early results indicate at least a 25% reduction in death and serious injury among novice drivers.

The Dominion asked to appear before you today to ensure that you hear our views directly and are given the opportunity to question or challenge them directly. We are respectful of the work of this committee.

I have been actively involved in the graduated licensing debate as a director of IBC, an advocate before the editorial boards of the *Toronto Star* and the *Globe and Mail*, which subsequently endorsed graduated licensing, and as a guest on television programs. I've also met with the Minister of Transportation to advocate the merits of graduated licensing.

Having indicated our support for the concept of graduated licensing, the Dominion is concerned with the specific proposal placed before you by the government. We commend the government for introducing a program and for its will to proceed. However, we have two major concerns. They are (1) that the government's proposal is not truly graduated, and (2) the length of time required for introductory instruction is too short.

The IBC submission addresses our first concern in that it recommends that, "In order to progress to level 2, the learning driver must maintain a conviction-free record for the entire duration of level 1," and goes on to indicate "and pass a basic road test." If that recommendation is implemented, it's our belief that it will help to ensure that the new driver has fully acquired the necessary skills and experience to be a safe driver before progressing to level 2. I should specifically note that we are recommending that the driver be conviction-free for 12 months before becoming eligible to pass to level 2.

The conviction-free amendment would promote

respect for the responsibility involved in operating a vehicle and reinforce the importance of abiding by the rules of the road.

Our second concern, that the length of time required for introductory instruction is too short, is also addressed through the IBC submission. Under the government plan, it is still possible for a new driver to progress to level 2 after only nine months, at which time there are virtually no restrictions in place. The IBC proposal recommends several level 2 restrictions to rectify this problem.

To reiterate, like the IBC, the Dominion wants more comprehensive controls for novice drivers during the full two-year driving period. Full driving privileges should not be given until the required driving experience is gained in a controlled setting.

This sounds very technical, and when you read these submissions it can sound almost too technical. I've relied on a very simplistic analogy to try to make my point and I'd like to share it with you.

When attempting to illustrate the learning process involved in graduated licensing, I have often compared it to a person attempting to learn to swim. It's unusual for someone to learn to swim in deep, treacherous water. Rather, the learning process takes place at the shallow end of a swimming pool or near the shore of a lake, where risk is controlled and reduced. Similarly, one does not typically progress from a beginner's swimming class to a junior or senior class without proving that the necessary skills and judgement have been acquired. Strict supervision is in place in all three levels to recognize the change in circumstances and the difficulty of the new tasks to be undertaken. In fact, at the time when I was taking swimming instruction, I was not permitted to even try the test necessary to move to the next level until the instructor had determined that sufficient skill and judgement had been developed.

The analogy is not perfect, but I think it helps to focus on our two concerns: the first, that new drivers if not conviction-free for 12 months should not be allowed to progress to level 2, and the second, that it takes time to develop, encourage and support the required skills and judgement necessary to operate vehicles unsupervised.

Last winter, when appearing before the standing committee on finance and economic affairs, dealing with Bill 164, we highlighted the need to introduce graduated licensing and other road safety measures at the same time as the expanded no-fault program is introduced. We still hold these views. It appears that Bill 164 will become real on January 1, 1994. This sets a very tough time target.

Thank you very much. Those are my introductory comments, and I would be very pleased to respond as appropriately as I may.

Mr Turnbull: I think it certainly has merit, what you're suggesting, but can we be a little bit more specific about—for example, yesterday one of the presenters suggested that perhaps we should initially start drivers off at dawn to dusk and then in a secondary stage go midnight to 5 and then in the third stage—maybe within level 1, dawn to dusk, and halfway through you then progress to the prohibition to midnight to 5. Is that the kind of thing you have in mind?

Mr George Cooke: First of all, I don't think there's any completely correct answer, or if there is, we certainly don't, to my knowledge, have the evidence to support one variation over another. I think the trick is to find something that's workable and, to the extent possible, enforceable, that people can comply with or will comply with.

I suspect part of the challenge that those drafting the proposal had to meet was to find something that was restrictive enough to allow someone to develop the experience and judgement required and at the same time not so restrictive as to be difficult to enforce or sufficiently restrictive that people wouldn't voluntarily comply.

I have no better capacity to judge whether a three-phase time restriction would be better than a two than any of you, and I guess what we're commending to you is some form of time-of-day restriction through the period. IBC has picked on two, and because we have no better alternative to support, we support that kind of period, but there's no magic in it, from my point of view.

1410

Mr Turnbull: Let us assume that we go with the midnight till 5 prohibition in level 1. Would it be your suggestion that we need to have an accompanying experienced driver in level 2 during those additional new experiences, being the midnight to 5 and the 400 series highway driving?

Mr George Cooke: I suspect that something that must have been in the minds of the drafters of the proposal was the phenomenon for a young driver, as opposed to a new driver who was not young, and the sort of high school prom scenario where post-midnight, after partying for a period of time, they were to return here or there or whatever. I suspect, although I don't know this, that some of those time periods and some of the supervision requirements and the age requirements for the supervisor were selected in such a way to try to address some of the specific circumstances associated with a young driver who is new as opposed to an older driver who is new, and are intended to capture indirectly maturity considerations, as opposed to necessarily driving skill.

Mr Turnbull: I'm asking you, as a representative of an insurance company that has a very strong vested interest, what is it that you're suggesting?

Mr George Cooke: We are supporting the IBC position, per se.

Mr Turnbull: In total?

Mr George Cooke: In total.

Mr Turnbull: So you would like to see this redrafted to totally reflect the IBC model.

Mr George Cooke: Correct.

Mr Turnbull: Thank you.

Mr Murdoch: Just before we go on, the way I see it, you're thinking maybe the graduated licence should be a little longer. Now, I'll make it clear that I think—

Mr George Cooke: Sorry, not longer than two years. We just think that there should be more restrictions in place during the two-year period.

Mr Murdoch: Okay. I'll make it quite clear: I think that this is a good idea, the graduated licence; I have no problem with it.

But we do have the concerns in rural and northern Ontario. It's a little different than it is in urban Ontario, like here in Toronto or Windsor, where we have transportation and we have a different system set up. We've talked over the last couple of days about different things maybe in rural Ontario where kids in high school want to play on the basketball team and things like that.

Mr Conway: You've got a real one here, so ask him to reminisce about his own experiences, because if you don't, I'm going to.

Mr Murdoch: I thought I'd leave it for you, Sean, because I know you're better at it than I. It's just that we think maybe there has to be something maybe different for rural and northern people than here in the urban, because the fact is that they have further distances to go and there's no transit system. If you live 40 kilometres away from your high school, you're going to have to find an adult, the way it's set up now, to ride home with you and things like that. So have you thought about that?

Mr George Cooke: I have, actually. It may surprise you—it obviously won't surprise Mr Conway—but I was born and raised in northeastern Ontario in a small community some 100 miles north of North Bay. So I haven't totally lost my capacity to relate to the circumstance that you're talking about.

I think there are several things that the committee should understand, and I say these very seriously. You can't design a bill that's going to encompass every circumstance. It's a question of whether you're doing public policy with a bit of a blunt axe or whether you're trying to do it with a scalpel. There are some tradeoffs that people have to make.

I guess my second observation would be that clearly, there are public policy benefits to putting a program in place that will reduce injuries and save lives. That will happen whether it's in northern Ontario or whether it's

in southern Ontario.

As a teenager growing up in the north, I was actually exposed to much more severe restrictions than are contained in either the IBC proposal or the government's proposal, by virtue of something called parents. We were from a community that brought with it a great deal of enthusiasm and ability to find solutions to these problems and we worked with it. Parents drove children or older brothers and sisters or whatever the case may be and we somehow or other managed to get by.

I guess the phenomenon perhaps of driving from Renfrew to Smiths Falls or something like that would be a fairly lengthy distance, but there are risks inherent in that kind of drive on those highways that are not overwhelmingly different than the ride from Burlington to Oshawa. I think what you have to do is realize that people can come up with creative solutions to these kinds of problems when the greater public good is the resulting benefactor.

Mr Murdoch: So when Sean and I are out in the high schools and the students—

Mr George Cooke: You're going to be unpopular.

Mr Murdoch: We're going to tell them that—well, we just think something creative, and that won't solve the problem. I understand, and we haven't got an answer on it yet and we've been looking for it. It's just that in the past, I have and other people have criticized Queen's Park for setting up bills and laws that sort of are urban-oriented, and they don't seem to take into consideration that there's a whole rural Ontario and a northern Ontario out there. I don't want to get the perception that this bill's going to be like that. We're trying to find an answer, because I think, again, it's a good idea, but if the perception in rural Ontario and northern Ontario is that this is another urban bill being set up, then it's going to be harder to sell.

My daughter's 16 and she has her licence now and she goes to work. She has a part-time job, so she can drive back and forth. But if graduated licensing came in now and she didn't have her licence, she wouldn't be able to have that job, or I would have had to take her to work.

Mr George Cooke: Or, alternatively, you would have had to find some other arrangement, be it a car pool, a shared drive with another employee or a mother or father or aunt or uncle, something like that.

Mr Murdoch: It's not that easy.

Mr George Cooke: No, I appreciate that, but on the other hand, I suggest to you that in my own experience, I don't consider myself too underprivileged to have come from the north—in fact, I'm quite proud of it—and we've found ways around those problems.

Ms Murdock: Just on that point, I'm from Sudbury—actually, 20 kilometres north of Sudbury—and my high school was 40 kilometres away from my

home, so I am definitely in the group that both Mr Conway and Mr Murdoch keep using as an example.

Under the present system, and I think this is the answer, if I go out and get a 365, I still need an accompanying driver with me. Whether it's under a level 1 graduated system or not, I still need that, so you still have to call home and get your parents to drive you or the teacher drives you home or whatever. At level 2 there is no accompanying driver, so that there is no real change except for the time frame that it's a minimum of eight months with a driver education program. For eight months, you're going to have to rely on parents or whatever, which you still have to do under the existing system. So I think that's the answer.

On Tuesday when I came into this committee, I must admit that I was thinking how inconvenient it was going to be for my high school 40 miles away kind of thing. But in reality, I've been completely convinced by all the presenters that we shouldn't be making any exemptions, because a driver is a driver, a road is a road, and they all have to learn and get experience.

Mr George Cooke: I would add to that, if I could, that one has to balance the very specific circumstances that someone in the north might face—or, for that matter, someone in rural southwestern Ontario, which also has very similar situations in parts of it, as I'm sure the east has as well—with the broader achievement that's possible in terms of saving lives and reducing injury. If you'd had a chance to chat with the families of people who have had their children, or in fact themselves, injured in these kinds of mishaps, after the fact you get a very sincere acceptance of the kind of restriction we're talking about which some of the rest of us perhaps have not had to face in quite the same way.

Ms Murdock: That's true. But I have a couple of questions on your presentation, and I guess one that is not addressed. Zero blood alcohol concentration for the accompanying driver: Do you agree with that concept?

Mr George Cooke: Absolutely.

Ms Murdock: And this hasn't been mentioned at all, but two only in the front seat? Only two people in the front seat at all times? Right now it's based on—

Mr George Cooke: The number of seatbelts. Our own position, again, is consistent with that of the IBC, but I believe the thought that has gone into it is that it's intended to try to reduce the distraction that otherwise would be available to the new driver until such time as there's been an opportunity to become fully competent in dealing not only with the actual driving skills, but also with the judgements that are necessary in using those skills. So it's for that kind of logic that we've come forward with the position we have.

Ms Murdock: Lastly, with the 25% reduction in death and injury in New Zealand, how long do you think it would take in Ontario, presuming the same

thing were to occur, for that to be reflected in the premiums that would be paid by first-time drivers?

1420

Mr George Cooke: I can speak only for our own company, but from our company's point of view, should graduated licensing proceed—and we surely hope that it will—we will immediately track the cost reduction, and to the extent that our costs are reduced, the premiums will be reduced in a corresponding way to reflect the savings. We simply don't know what time period that would be, but it would be as immediate as possible for the reasons in the marketplace. If we can find a way to sell a product earning a reasonable return but yet at a much lower price than the competitor because we've been smart enough to track our costs properly, I tell you, there's every incentive to do it.

Mr Cooper: During the IBC presentation, there was one thing that says, "In general terms, 37% of fatalities involving drivers under 21 years of age occurred on high-speed roads." Is there a large difference between experienced drivers and drivers under 21 in fatalities on high-speed roads?

Mr George Cooke: I can't give you the specific numbers, but I'm instructed by my technical advisers that the answer is yes.

Mr Cooper: There is a large variance?

Mr George Cooke: Yes.

Mr Cooper: The reason I raise this issue is because we've had a number of fatalities in the Kitchener-Waterloo area on the expressway, and if there was no variable difference, what I was wondering was whether it was the highways that are the problem or the training that's the problem, or inexperience.

Mr George Cooke: I don't have the technical expertise personally to answer, but what I'm instructed is that it's at least in large measure an experience-related problem. That's not to say that road design is not important, and there might be something peculiar with that stretch of highway. I know, for example, at one point there was a huge accident incidence in a strip of highway from the 401 up to Peterborough, which has subsequently been corrected. So road design might be part of it, but it's certainly not the sole part.

Mr Cooper: All right. I was just wondering if there was justification for the restriction on the 400 series and certain expressways.

Mr George Cooke: I'm so instructed.

Mr Conway: Mr Cooke, as always, a very interesting performance.

Mr George Cooke: It's nice to see you again too.

Mr Conway: No, listen. The staff from the department were very helpful over the noonhour, because one of the things—this is like, you know, you can't be opposed to this. I mean, poor old Murdoch and I are

here—that is, Murdoch from Grey—trying to, I think, reflect a bit of what we're hearing from the people we will get to face. All of the virtuous hordes who come here and tell us what a terrible thing we didn't do this in 1927 won't be at the meetings that Murdoch and I and the rest of us are going to get to go to. In a day and age where people are fed up with what they see as just ridiculous regulation, even if it's only a minor part of a big goodness, it's not much fun standing there naked in the wind trying to explain the inexplicable, defend the indefensible.

Mr George Cooke: No, but it's an amazing thought to behold, actually.

Mr Conway: Yes, it's true. Almost as amazing as it is for me to contemplate what it was really like in Haileybury whenever it was you were in high school, because you may in fact be as virtuous as your rhetoric, but I might just want to check back. I know what I was like, and I was a long way from being this good.

The one example—and the departmental officials may have solved the problem for me. You see, when you look at this—I am quite prepared to be pretty tough, probably tougher than some people in some areas involving alcohol and all the rest of it. But I do have to be realistic. I don't want to do something that's going to be clearly unenforceable. I've said a number of times I'd like to get some of the highway patrol people in here and some of the kids in here to see just how their behaviour might in fact be modified. We all have got a pretty clear idea of what it's going to be.

But the one example that I was using was—and I'll come back to it, because Ms Murdoch talked about it. I'm thinking about a situation where it's sort of 5 o'clock on a Monday afternoon in December and there's an after-school basketball practice. We're not talking about a bunch of kids wanting to get liquored up, pile into a car, take off to Timiskaming and do terrible things. Those are a real part of the stats and we want that rectified to the greatest extent possible. But I'm talking about a daily occurrence in some of these rural high schools I have: It's 5 o'clock on a December afternoon and there's no more late bus, or if there is, it left well before the basketball practice.

The question I had is, the way it works now, there will be somebody there who will have a full licence, and there are more cars out there now than there were when you and I were young. So the issue and the concern I had was around, how do those kids get home?

The officials indicated to me over lunch—and there may not be nearly the problem I thought—that what we've got here is the situation where once you're through and have your level 2, then presumably—which one is it when you pass through the second stage? Is that—

Mr Daigeler: Level 2, you're saying.

Mr Conway: Yes. I'm just trying to think of those kids. You know exactly the group I'm talking about. That's a daily occurrence. How do those people carry on their lives? I assume, then, according to what I was reminded of at lunch, that under the current proposal, if I'm 17 and in grade 11 or 12, if there's still such a thing, and I have a level 2 and I've got a car, I'm fully licensed, I can drive those kids home. So that's not a problem.

Mr George Cooke: Not for the government's proposal, but I think it would be for the proposal we're putting forward.

Mr Conway: That's what I wanted. So just explain, then, your proposal, what you would recommend.

Mr George Cooke: Let me try to answer what I think you're asking. You've got to realize three things. The facts, to the extent that they are there in terms of the reduction of accidents and the opportunity to save lives, are real facts. Those savings are achieved. They're not necessarily achieved only from large expressways and roads in southern Ontario; they're achieved province-wide.

Mr Conway: I accept that.

Mr George Cooke: So I think that's something the mother in Renfrew that you might be speaking to would have to come to grips with.

I think the second point is that you can't drive public policy to deal with the few and impose it on the many. I think you have to look at it the other way around. You try your best to accommodate all interests, but you can't succeed.

The third answer I'm going to give is that—

Mr Conway: Let me just say to you, though, respectfully, that if I were here and I were the member for North York, I tell you, I'd embrace that enthusiastically. But I'm one of the few people here now who represent rural Ontario. I admit to you, we are in a minority.

Mr George Cooke: When I was living in Haileybury in 1970, a close friend of mine wanted to play basketball and the school bus left early. He lived 35 miles off in the country and actually had no particular way to come back and forth. His dad was a shift worker and couldn't drive him. He stayed over with us on Thursday nights and went to his basketball practice. The community found a solution to it, and there's ample creativity in those northern communities to do that. I think those kinds of answers will be quite self-evident in those communities if people understand that the reason the legislation is being put forward is for the greater public good, to save lives and reduce injury.

If people think it's just more government intervention and intrusion into a part of their life that they otherwise wish they would stay out of, they won't be quite so accepting. So I think it's very important for us to not

get mired in the detail and to talk at a much higher level about these sorts of things, because that's what I would do if I found myself in your circumstance.

Mr Daigeler: Just a very quick question: You mention in there that you've been meeting with the Toronto Star and Globe and Mail editorial boards to discuss this. What were their views? If you can remember, what was the gist of the conversation there?

Mr George Cooke: I think the kinds of concerns they articulated were very similar to the concerns that have been put forward before this committee, but having heard them, I can only say the subsequent editorials—this would be perhaps some seven to eight months ago—that followed our meetings would be the way of capturing their views. I think the essence was that graduated licensing made some sense and it would provide benefits overall.

Perhaps the one item that they raised that we haven't covered yet has to do with enforcement, and they were quite concerned about how this thing might be enforced. That of course provides some difficult challenges, as we all know, but I don't think they're insurmountable either.

Mr Conway: Raise taxes and hire more cops.

The Chair: I thank the Dominion of Canada General Insurance Co and you, Mr Cooke, for appearing today. Your views are important to the committee and they have played a valuable role in the process. We trust that you'll stay in touch with the committee, through the clerk or any member of the committee or any MPP, as we go through the process of graduated licensing.

1430

DOUGLAS ANNETT

The Chair: Next is Petro-Canada Skid Control School. Good afternoon and welcome, sir.

Mr Douglas Annett: I'd like to thank the committee for inviting me and allowing me to speak to this session. My name is Douglas Annett. I'm the manager of the Petro-Canada Skid Control School. I'm not here representing the school as such and I'm not representing driver education as such, but by virtue of the fact that I'm involved in post-licensed driver training, I get to see the people who have come through the driver training procedures and see them as they enter the workforce. Many of our clientele are professional drivers, so I get to see the results of the driver training and licensing process six or eight years down the line.

One of the few things I remember from Professor John Crispo's class, one of the few courses I survived at the University of Toronto, an industrial relations class, was his constant reference to, "When is a duck not a duck?" I've led off with that question, "When is a duck not a duck?" If it looks like a duck, waddles like a duck, quacks like a duck, it's a duck.

Let me just give you an illustration: Here we have an

example, albeit maybe a weak one, of a duck. It's going to waddle like a duck, it sounds like a duck, it looks like a duck, vaguely. However, when we look at the Ontario graduated licensing duck, it looks something like this: It's going to have a tough time waddling like a duck, it sure doesn't sound like a duck and I don't think it looks a whole lot like a duck either. Let's call a duck a duck, and this isn't a duck. When we call this a graduated licensing system, we have to be careful, because what is going on in a graduated licensing system does not seem to be able to be accomplished by this system, in my point of view.

I'll go toe to toe with anybody who thinks that graduated licensing is not a good idea or a good concept, because I believe it is a good concept and a good idea and will work effectively. We've seen in other jurisdictions that it has proven to be successful with certain target groups. In Ontario, we have chosen to work with all new drivers, because it's, I believe, represented in data that all new drivers are over-represented in crash statistics. So we are highlighting and focusing on the new driver who is 16 years old or 17 years old, but the Ontario system has chosen to work with drivers of all ages, because we're interested in not discriminating, I suppose.

That's kind of a dangerous word, but there are discriminations all through the licensing processes. I'm using "discrimination" in the proper sense of the word, which segregates or separates people for a reason, not the bigoted or prejudicial or arbitrary use of that term as it is often used in common parlance. Discriminating is in fact something that is done all the time. We don't allow 15-year-olds to drive. When you're 80, not 77, you have to do a driver's test. We make arbitrary judgements. I think if you can back up what you are presenting in a graduated licensing system with data, not just good ideas but with data, then you can justifiably discriminate. So let's not think that "discrimination" is a dirty word.

The objective of this discrimination, as I see it, is that learning drivers require years of experience, they are overrepresented in crash statistics and it is extremely difficult to discriminate between the individuals who will have crashes and the ones who will not. Because of that, we have to go to a level of discrimination which includes that grand group of people who we figure are overrepresented in the crash statistics.

Studies seem to indicate that experience-related factors and age-related factors are the reasons for new drivers being overrepresented. The role of graduated licensing is actually twofold; that is, it is intended to provide protection, as I see it—my words, not the Ministry of Transportation's words—in reference to age-related factors. Let's protect the people who, because of age-related factors, put themselves at greater risk.

We also have to deal with experience factors.

Because of the long learning process for the driving task, by protecting them we are allowing experience to occur, facilitating learning.

The way I see it set up, this system isn't going to deliver on that promise. Graduated licensing is a wonderful concept. There is a certain bandwagon effect, though, where, "We've got to have a graduated licence system because Nova Scotia is thinking about it and BC is thinking about it." However, I think if you look at the BC and Nova Scotia proposals, you'll find there's a lot more meat in those proposals than in the graduated licence system proposed for Ontario. We're wrapping simple changes with all this fancy, glittery packaging and calling it graduated licensing to sell some ideas that may or may not come up with the effects we really want them to.

Good ideas come and go. We had a good idea about 15 years ago for probationary licensing and now it's on the scrap heap. It's going to go when graduated licensing comes in. The fear I have is that 15 years from now we're going to look back on this proposal for graduated licensing and say: "Gee, it was a good idea that didn't work. How come?" It'll be on the scrap heap too, while other jurisdictions come along with systems that seem to have more effect and that will be kept.

Let me put the overhead up which is taken from the Ministry of Transportation brochure; I trust that you have this information somewhere. This is the list of restrictions that will be placed on new drivers at level 1. These are the people who will be supervised. They will have a supervising driver with them. This is comparable to the level of the 365 presently. Those are the restrictions that will be placed upon them according to this system. This is the list of the restrictions that we've placed upon them after they've passed their first test, this big long list here, okay? We're straight on that? There's this list for the people who are already supervised, who already have a driver with them. Here are the people when they're on their own. This is the group who are at risk, because they're unsupervised, they're unprotected, and very little facilitation is going on for them. In my mind, it seems to me that we need to extend the list of restrictions for the people who are unsupervised, not for the people who are supervised.

There's one little sneaky thing here that's a real good idea—this isn't really a big issue, it seems, for a lot of people—that the accompanying driver or supervising driver, as I call him, has to have four years' experience under this system. This is a great idea, but it doesn't require all the hoopla of graduated licensing to accomplish. It's a simple little change; make it four years. You don't need all the window dressing of a graduated system to accomplish that.

"Maintain a zero blood alcohol level" is a great idea. I don't think anybody's going to argue with that one. That's a check mark. We accept that one. That is

certainly a protection issue, isn't it? It is also a facilitating issue, I suppose, if you consider that we want to teach people how to drink and drive, but it's largely a protection issue.

The accompaniment by a four-year driver is certainly a protection issue, isn't it? Some of the driving instructors in the crowd may argue with me on this, but not too many kids goof around when the instructor is in the car. We're hoping that the parents will not allow that to happen either. It is also a facilitating function, because that's the circumstance where most driver training occurs.

"Refrain from driving on 400 series highways and certain designated multilane urban expressways." This one probably is going to kick up a lot of dust. From my point of view on this, I'm going to have to dig out some statistics. Some person once—I don't know who it was; enlighten me as to who actually this person was who said this, but somebody said, "There's lies, damned lies and statistics." Unfortunately, I'm going to have to refer to some of them.

1440

This is from the Ministry of Transportation trends overview. What we have is trends in accidents. What we find is that there are that many crashes on freeways and highways and that there are this many fatalities on freeways, highways, for those respective years. If you calculate that all out, which I have done for you, you come up with rates which are something in the order, for freeways, of 7.7 fatalities per 1,000 kilometres driven—sorry, per 1 million kilometres. Million? Sorry, I'll have to check the book to get the exact number on that. The point is that for freeways there's a much lower fatality-per-crash rate than there is for normal highways or other King's highways, as they're called here, which is something in the range of 16 per—sorry, I don't have that number straight; I can check it.

The issue of course, as I see it, is that the statistics don't bear out restricting people from freeways. Are the majority of the fatalities on freeways young people who are supervised or are they people who are unsupervised? Now, where is the protection issue for people here? I'm really not sure, because I don't see that they make up a gross threat on our highways.

Another issue regarding this is fatalities by age. If we're working with fatalities by age, we find that 16-year-olds, generally speaking, the ones who are the protected group, who are either on a 365 licence or the level 1, as it will be called, don't show up in the fatalities column with the frequency that older people do. Obviously, when you're dealing with the 18-, 19- and 20-year-olds, you're going to be looking at alcohol involvement to a greater degree than with younger teenagers. I'm not sure that we have the ability to sort out these kinds of numbers for older new drivers. They may be available, but I'm not really able to put my

hands on those. Even if they are available, it's probably quite a process to dig them out. But you see that the protection stages have to start coming in at the older ages; not level 1, level 2. Level 1s are protected like crazy. Level 2 is where we need the protection.

Let me put this overhead back up because that's the list that we're going through here.

"Refrain from driving between the hours of midnight and 5 am." That's another one of the ideas that's being beaten around by this. From the gist of what I heard earlier, I'm not sure—I came in late on that discussion earlier, but the question here, as I see it, is, what is the threat, darkness or the kind of yahooism that goes on in driving with new drivers? If it's yahooism that we're trying to deal with, this seems to be the time when mobile yahooism is the greatest threat. If you decide that darkness is the threat, then you're going to have to come up with a much more complicated analysis for that question.

British Columbia seems to feel, in its proposals, that darkness is a threat. In the proposals that are being beaten around in BC, they're talking about the same usage of new drivers of their vehicles on the roads as they would for headlights—one hour before and after dusk and dawn and all that—whereas it seems that the Ontario proposal is to cut down on yahooism. That's fine with me.

Again, it becomes extremely muddy and complicated because of the problems of getting home, as we heard earlier, from basketball when you live in a northern community. Again, we'd have to look at the individual statistics of people who are injured who would come under this category and whether 3:30 is such a high time for fatalities among teenagers.

It is true that some of the highest hours for fatalities to occur in Ontario are in the early evening, again largely because, I suppose, of changing light conditions and the very crowded roads that we're dealing with, somewhere between 4 and 8 pm. Again, I would question whether those are issues for the beginning driver or if those are issues of general driving practice.

I'm content to live with this, except at level 1, while the person is supervised anyway, why does supervision become difficult after midnight? We've already protected them by putting the driver who's supervising at four years of experience. So we're separating the group of people who would be driving with one day of level 1 experience being supervised by a person with one day of level 2 experience. We're working through that with this proposal here.

The vehicle sign: I'm not going to get into that. As I see it, that's not a really big issue or a big point. I'm not going to argue pro or con on that one.

"Limit the number of passengers they carry to the number of seatbelts in the vehicle": I think it goes

without saying that that should be a regulation for any driver of any age. Why do we have to stick it in here and try to bolster up our sale of graduated licensing? All of a sudden when you get older it's okay to carry people in the back of your pickup truck? Is that what you're trying to restrict? Then restrict that; don't try to sell us a package of goods that has all this other stuff in it.

"Drive class G vehicles only": Who's going to argue with that? I don't think that's a really big issue. Self-selection, the people who need to drive heavier vehicles. If anybody wants to argue with that, I have no issue. But the real important issues of protection and facilitation for new drivers I think are not addressed in this proposal.

There's another sneaky thing that gets kind of slid in here, it doesn't even get a bullet point, in this final line. They are restricted to a period of eight months if successfully completing an approved driver education course, or 12 months if not. That is a significant difference, because what you're going to be doing is bolstering the facilitating side of level 1. That is a significant change. That can happen without wrapping it up in graduated licensing talk. It's a simple regulation to change.

Other provinces have regulations in regard to this; we do not. I think that alone will be a significant step in the right direction at minimal cost. When I say "cost," I'm thinking about the entire implementation of a graduated licence system, with all the objection and all the committees and all the argument over it, and that simple thing there will allow the greatest merit of everything above that page. But it doesn't even get its own bullet point. They kind of slipped that one in on us.

To deal with driver education, the other issue that stands out is that now driver trainers will not be able to teach people on freeways. How are they supposed to drive on freeways? All of a sudden they pass their licence test on a city street and, bam, now with no experience, which they couldn't even possibly get under level 1, they're expected to be able to drive on freeways. We've got to change this so that if you're going to institute this, at least a person with a supervising driver should be trained on freeways, unless you want to make a second driver education requirement for level 2 and institute that in the level 2 test.

The level 2 test is another thing that has been snuck in here. It doesn't get a bullet point. In very tiny print on another page it says that a driver will be eligible for the second test. This, in itself, will be a breakthrough because it has never been accomplished, as far as I know, in any other jurisdiction that they have a level 2 test, comparable to level 2 in our language.

The level 2 test also, as the thought is going, will be a psychometrically sound test, valid and reliable,

research-based and tested, which is certainly something that's never been done in Ontario and, as far as we know, in North America. This will be an important part of keeping people safe on our roads.

A few things from the system will help facilitate and protect young drivers, new drivers, and they can be accomplished very simply, but sell us a package of goods that's actually going to protect people after they pass that first test until they can go to the level 2 test.

I'm not trying to at all denigrate the work that the people from the Ministry of Transportation or the safety and policy branch have come out with, because I think that they, more than anyone, would love to see a proposal like this go through with lots of teeth. However, it seems that we have to make some decisions about what we're really going to do about people here. Are we going to worry about discrimination, or are we going to discriminate in the proper sense of the word?

1450

Mr Dadamo: Mr Annett, thank you. You were talking about the results of driver training and experience coming into effect six or eight years after the fact, in offering advanced driver training.

Mr Annett: Well, maybe could I—

Mr Dadamo: Maybe clarify.

Mr Annett: I generally get to work with people who are professionals or drivers who are sent by their companies. Some 70% of our business is corporate work, so I get to see what people are like after they are experienced drivers. The six to eight years is a good time frame—research talks about this as a time frame—for learning how to drive, when stabilization begins to occur in crash rates. There's also maturity factors that are coming into place.

I mentioned it also significantly because that's when many people who are finished with university education, getting into the workforce, come through my doors.

Mr Dadamo: So when's the appropriate time to take your skid schooling?

Mr Annett: Is this a plug for skid school? Great. I love it. It's valid for any age, because driver education is an ongoing process; that is, the only question in dealing with a new driver is whether he has enough experience to believe that emergencies are really going to happen to him.

If I can dig it out here, this is one that's worth quoting: Provisional Licensing Programs for Young Drivers, topical papers by licensing experts including an annotated biography from the US Department of National Transportation, National Highway Traffic Safety Administration. Boy, that's a mouthful.

This is a comment by James McKnight, president, National Public Services Research Institute, Landover, Maryland. This is prepared for a provisional license workshop in Amsterdam, the Netherlands, October

1986, so it's got a few grey hairs on it. But I think it's still valid, some of the comments.

"There is one element of education which I would like to see evaluated. We cannot, because no one has ever employed it. That is the idea of introducing additional driver education after a license is given. If any of you have observed in-car driver education instruction, you realize students have great difficulty just keeping the car on the road. They cannot attention-share between controlling the car and absorbing the safety information instructors are trying to give them. You cannot attention-share between tasks until one of them is reduced to a routine."

Mr Dadamo: I have about 30 seconds, and I want to clear something up. Half-jokingly you were saying that we should do it because Nova Scotia or British Columbia or whoever else was thinking about graduated licensing. But I know you're aware that New Zealand, Australia and Maryland have graduated licensing and statistically the numbers are down for fatalities. So that should be put on the record. I know you know that.

Mr Annett: Oh, yes.

Mr Dadamo: Okay?

Mr Annett: Like I say, I'll go toe-to-toe with people who think that graduated licensing is a bad idea. It's a great idea.

Mr Dadamo: I don't want you to give the impression that we're joking about this and we're not serious about this, and that we're only doing it because two other jurisdictions are thinking about it.

Mr Annett: Yes. I think that we have to be careful of the bandwagon effect though, that we're going to jump on this bandwagon and we're not really sure what the load is.

Mr Steven Offer (Mississauga North): Thank you for your presentation. Under the proposal in level 1, a person can basically get out of level 1 at eight months if he takes a driver ed course. The question I have for you is, is that a sufficient incentive to get somebody into that? Secondly, should it be? Thirdly, isn't the reality of this, with the penalties, that somebody's just going to go for his level 1 and potentially stay off the road and not get the experience that everyone says is so necessary? In fact, isn't the reality that the licence age has been increased from 16 years to 16 years and 8 months or 17 years?

Mr Annett: Let me start with the last question first, and make sure I cover all of them.

Whether someone will stay off the road or not on purpose, I think you'd find very few people who would use that as a motivation, personally. I think people get driver's licences for a lot of reasons and they will find a need for using that licence if they've chosen to go to the trouble of getting it. Sure, people who are in high-risk categories may simply not drive, more because the

insurance rates are very high for a new driver and for that reason may choose to stay off the road, not purchasing a car, not having to pay high insurance rates for their particular age group. That in itself may be a motivation to not purchase a car. I'm not sure what the motivation might be to not get experience if you're allowed to do so.

Let me go back to the first of your questions: Do I think it's long enough for a person to be a competent driver? Of course not. If it's of suitable training time, which is saleable for the vast majority of people, I think it's reasonable. However, because the restrictions are only placed at that first level, I think you're going to get very little benefit from it. The restrictions, as I see it, need to come in at the second level.

As far as the motivation is concerned, my gut feeling is that you may need a larger reduction in time to make it a stronger motivation for people to take driver education. I'm not sure that I'm qualified to comment on people's motivation for that. My suspicion is that it should be a greater reduction or, overall, make the time frames a little bit different. Perhaps make level 1 eight months and halve it to four months if you do the driver education program. But whatever you end up with, whether it's three, six, eight, 10 months or 12 months, it's sure a step in the right direction from where we're at now, where you have zero requirement for delay after that minute you turn 16 before you can go for a driver's test.

Mr Turnbull: Let us say we went along with your idea of eight months—I'm not sure I'm happy with that suggestion—and a four-month period if you have driver education. Are you saying that in level 2 you want supervised accompaniment at all times or just with the new experience, ie, 400 series highways and night driving?

Mr Annett: What you end up doing is layering this, so it's not a two-level system but a three- or four-level system, if you choose to do that. What I'm concerned about is that for the level 2 drivers, when we look at the situations where they tend to kill themselves, most often is high-speed, late at night in groups. If they can be restricted to limited passengers in the vehicle, we might only kill one or two instead of six or seven or eight.

Also, I think it's extremely difficult to justify limiting freeway experience from the level 1. Okay, they're anecdotal, but if you look at the number of crashes in the last couple of years that have made all the papers—six here, seven there, five here; the most recent one six people and a train—those seem to be the situations where groups of kids are killing themselves, not on freeways.

I would suggest that if you're going to have any freeway restrictions, then it doesn't make any sense to leave them in level 1. Make it in level 2. If you think freeway restriction is valid, throw it in level 2 too. If

you think the number of people in a vehicle is significant, then that has to apply to all levels as well. That, in level 2, seems to be the place where the greatest danger to teenagers is.

Mr Turnbull: Would you have accompaniment at level 2 in all situations or only in those new situations that they're allowed to go into? Having said that, you make a very good point, the fact that we don't allow people to go on a 400 series highway until they no longer need accompaniment with them.

Mr Annett: To answer that, I would put the accompaniment in level 1 and allow 400 series driving roads, and then if you wish to take it off in level 2, I would say at least they've had an opportunity to learn something about 400 level driving. I don't see that it's a critical factor in the fatalities that teenagers and young drivers and new drivers are involved in at level 2.

1500

Mr Turnbull: If you allow that, would you allow night driving in level 1 with accompaniment?

Mr Annett: Certainly. With accompaniment, I don't see a problem with driving anywhere, any time.

Mr Turnbull: If you do that, what you would do exactly in level 2? Would you have mandatory skid testing? I know you say perhaps a three-level process, but what would be in level 2 and potentially level 3?

Mr Annett: The restriction on level 2 then would become that—I'll get my list out here. The restrictions then would be that—it goes part and parcel with the 400. If it's valid to restrict it for level 1, keep the restriction for level 2 or ascan it for both, one or the other. But this arrangement is not acceptable as is. It doesn't make any sense.

As far as curfews are concerned, which is the other big issue as I see it, then the curfew is necessary for level 2, when they are able to drive without accompanying drivers, supervising drivers. That becomes a necessary factor. It's one or the other: supervision or curfew. I think the curfew is the way to go, rather than supervision.

The Chair: Mr Annett, thank you for taking the opportunity to be here this afternoon and present your views. Your views are important to the committee and they have played a valuable role in the process. We trust you will stay in touch with the committee as we continue through the process of graduated licensing.

JOSEPH KLAMER

The Chair: Next is Joseph Klammer. Good afternoon and welcome.

Mr Joseph Klammer: My name is Joseph Klammer. I'm a private citizen of Toronto and Canada. I was born here and I'm here today to answer a few questions, Mr Conway, about what you asked about getting some policemen in here and some kids.

Mr Conway: Regular folks.

Mr Klammer: Regular folks. I'm just a regular folk. Mr Offer, as to your question—I'd like to answer this right away—about whether somebody who got their licence were to stop driving for a year until they were at level 2: If I had a child who turned 16 today and this proposal by the Insurance Bureau of Canada was in effect, I would take their licence away and I'd say, "It's ridiculous; don't even think about it." The reason for that will become evident as I tell my story. I'll start at the beginning.

When I was born, my father was making \$35 a week and we lived in a two-bedroom apartment and he was starting his own business. By the time I was 16 years old, he was extremely successful and, being that successful, he was allowed to acquire some of the things that go with success. When I got my licence, my family car was a Mercedes-Benz at 16 years old.

Mr Conway: Wow.

Mr Klammer: Yes, pretty nice; very nice, I have to admit. There aren't a lot of people who get to drive something like that at 16 years old.

Mr Conway: Your name isn't Horatio, is it?

Mr Klammer: Unfortunately not. Even though this car was wonderful to drive and I truly enjoyed driving it and had a lot of fun with it, it gave me problems that I found out later other children also had at that age. But for me specifically, it made my life hell, not because I was in accidents and not because I was a reckless driver. I was never convicted of any drunken driving charges. The most charges I ever got were the usual speeding tickets and I'd like to explain those now.

The first speeding ticket I ever got was driving in front of my father's office building, because he wanted me to put gas in the car for him. I turned the corner and that was the first ticket I got. I didn't hear the end of it for at least six months from all the employees, because there were big picture windows there and everybody saw me get a ticket. I'll never live that down, ever.

The second speeding ticket I got, which has got to be the longest-running speed trap in the city, was at Bayview between Post Road and Lawrence. It's been there since I've been driving and it's always there at midnight or 1 o'clock in the morning. When you drive up the street, I think at that time the speed limit there was 30 miles an hour and I was probably going 40 or something; I don't remember exactly. As I was driving down the road, this policeman—although I didn't know this at the time. I just saw a gentleman standing beside a car, waving a flashlight. I stopped at the light at Post Road and the next thing I knew, there was a policeman pointing at me, flashing his badge. He was in an unmarked car wearing a uniform.

I pulled over. He got out of his car and he started yelling and screaming at me at the top of his lungs:

"Why didn't you stop? Why didn't you do this?" I was shaking I was so scared. I was scared to death when this happened. I told him, "I thought you were just some guy fixing his car with his flashlight." He was in an unmarked car, he was under a streetlight that had gone out and I had no idea it was a police officer. From that moment on, I was absolutely terrified of the police.

In this graduated driving licence program—I've got your brochures and all and your amendments to the regulations—I see nothing here that states what are the requirements of the police if they should stop a child or a new driver under this program. How are they to conduct themselves? How are they to react? Because from that moment on, from that speeding ticket on, I was terrified of police. Whenever I was driving and I saw a police car go by, I was so worried about him pulling me over and what would happen to me, that at times I wasn't concentrating on the road the way I should have been.

The other problem with driving the car that I had was that in those days, that was 22 years ago, it was a time of social unrest, the hippies, when everybody had long hair. I still have a bit of it but not as much as I used to. I would get pulled over because here was a 16-year-old driving a Mercedes-Benz. I would be up late at night because at that time I was also going to school in the States and my vacation times did not quite jibe with everybody else's, so I always had a few days at the beginning or the end also when other kids were in school and I wasn't because I hadn't gone back to school yet. I was in high school. The policeman would pull me over and he would say, "You were speeding." The first few times this happened, I believed policemen. I was a very naïve 16-year-old. I thought when a policeman said you were speeding, you were speeding. They don't lie. They don't misrepresent themselves. If they said that, that's the way it is.

After getting a lot of these speeding tickets, I started to wonder because there were a few times when I could have sworn there was no way I was speeding. There just wasn't any way that I was speeding.

One time in particular, late at night at about 1 o'clock, 2 o'clock in the morning, as I was driving around just looking for somewhere to go, I was by myself in the car and I was going up Mount Pleasant just before Charles Street, where you go up that bridge and you make that sort of right turn there. A policeman went by me in the opposite direction. I was the only other car on the road. There was nobody else around. There wasn't even anybody behind him and I said to myself, "I bet \$100 he turns around and stops me." I had my eye on the speedometer so much that I almost ran into the bridge abutment. Sure enough, 30 seconds later, the lights are on, he pulls me over. He said: "I saw you going by. I figured you were speeding. I came up and you were." There was absolutely no way in the

world that I was speeding, absolutely none.

He gave me a ticket. I went to court. I tried to fight it, but I went by myself and I didn't know really what I was doing. That doesn't happen any more, believe me. I take every ticket I get now to court because of these things that happened to me as I was a child.

From that point on, I was extremely careful about how I drove, just because I would be liable to be pulled over. I've waited 22 years and I thought I'd wait a lifetime not being able to tell somebody that story. I went to the insurance broker who handled my insurance because my insurance was cut off for getting so many speeding tickets. I spoke to my father who didn't believe me. As a matter of fact, everyone I told—and at that time if you got nine points, I think, or more, you had to go and see somebody at that licensing board or whatever.

The first time I went I tried to explain this to them. The guy just looked at me, "Yeah, yeah, everybody doesn't speed, I know." The second time I went I just went: "Yes, sir, I won't do it again, sir. It'll never happen again, sir. I'm very sorry, sir." I left and I thought to myself, "What a jerk," because nobody believed me. Absolutely nobody believed that I was getting these tickets because of the car I was driving, because I was just a kid or because the police just needed an excuse to pull me over. No one believed me.

1510

I waited a long time to tell somebody that, and the traumatic effect that it had on me is still with me to this day. I look at the police with distrust and I look at the police with apprehension. Sometimes, when I've been pulled over in the last few years, I know how to conduct myself, I know exactly what to say and how to address a policeman. But they still scare me to some extent sometimes, because of the attitude I felt, and I'm 38 years old.

When I was pulled over at certain times, they would ask me, "Do you work?" What did that have to do with whether I was speeding or not? "Do you have a job? It must be nice having rich parents." In the neighbourhood I lived in, a lot of kids were well-off, some maybe not as well off as my parents were and we all would sit around and tell about how we were treated by the police. I see nothing in this book here that gives anybody such as myself any recourse if they feel injustice has been committed against them or anything at all.

With that out of the way, before 15 minutes is up, I'd like to go through this little booklet here and tell you what I think of these proposals and why I think they're so wrong.

I think a graduated system is probably a good idea, considering what I've seen just out on the roads in the last little while. When I phoned the secretary who made this appointment for me, I started keeping a list of all

the accidents—I shouldn't say accidents; I haven't been in any—but the near misses that I've had just in the last two weeks.

The one that most comes to mind is somebody opened a car door, which made a red Sable pull into my lane, which made me go into the opposing traffic and go around him. Had I not been driving the sports car I was driving, I would have been in a head-on collision or I would have hit the red Sable. I had that much time, less than an eye blink, to think about this and, because of my experience as a driver for 22 years, I was able to avoid this accident. This had nothing to do with somebody driving. It was a guy who was getting out of his car who didn't look.

Aside from that, I feel this is mostly aimed, not just towards new drivers, but specifically aimed at young drivers, 16-year-old drivers. This is the impression I've got. Out of all the accidents I've been in, out of all the near misses that I have been in, in the 22 years I've been driving, 95% of them were committed by adults, not kids. When I was a kid, 16, 17, 18 years old, I very rarely heard of a child who was in an accident, a friend of mine at school or somebody else's school, and if they were in one, it was usually committed by someone who had years and years of experience.

When they passed the seatbelt law, I thought to myself, "Great, but why doesn't somebody pass a law saying the car manufacturers have to build safer cars?" There was never any talk of that. Years ago, I heard someone state—I don't know who it was—that 1% of the cost of manufacturing a car is towards the safety of a car, how safe it is on the road. That's terrible. That's awful. I think that's just ridiculous.

Anyway, let's start with this here. It says, "Transportation determined the most successful...are those that allow new drivers to gain experience in a low-risk learning environment." Whoever wrote this doesn't drive on the roads very much because there's no such thing as a low-risk learning environment when you're out on the road.

"Maintain a zero blood alcohol level." That's a very good idea. Obviously, accidents are caused more often by drinking and driving than anything else.

"Drive only when accompanied by a fully licensed driver" of four years: Wonderful. I can just see a 16-year-old with a 20-year-old in a car. I see a lot of experience here and I see a lot of people, a lot of kids, going, "Yes, sure; let's see how fast this baby can go, Chucky; step on the gas," coming out of the mouth of a 20-year-old. As the person before me stated in his little pamphlet there, there are more deaths caused by 20-year-olds than there were 16-year-olds and yet these are the people who are going to be giving advice to a 16-year-old on how to drive?

I remember some of the kids I went driving with

when I was 20 years old and 18 or 19 and I was in their cars. These guys were maniacs. I didn't ever get in the car with them again, some of them. I did not want to drive with these people. I'm not saying that I didn't drive fast at times. This also bothers me, the fact that—it just seems to me, what if you're not a 16-year-old? What if you're a 22-year-old or a 25-year-old? One of the best jobs for any immigrant to get in this country is a delivery job or a taxicab driver. How's somebody's going to operate a job like that if they have to have a licensed driver beside them?

"Refrain from driving on...highways." Like the person said before me, if you're going to teach someone how to drive, they should be taught how to drive on a highway. When I took the OML test that my father made me take because I got a 10% reduction in my insurance, no one ever took me out on the highway. What I've learned on the highway has been through years of experience. I spent five years living in Aspen, Colorado, driving through the Rocky Mountains with whiteouts. A whiteout is snow blowing so hard at your car that you can't see past the front of your car. I've come around corners on mountain roads in the middle of summer on dry roads and come face to face with a 600- to 800-pound deer. What do you do? Now, this isn't going to happen in the city of Toronto, hopefully, but what about up there in the rural areas? There's a lot of wildlife out there. Nobody ever taught me these things in the classes I took.

"Refrain from driving between the hours of midnight and 5 am" just seems to me to be completely ridiculous. I see a lot of problems coming up where a kid goes over to his girlfriend's house, they lose track of time and the next thing: "Oh, my God, it's 10 to 12. How do I get home?"

Two things, from growing up, remind me—

Interjection.

Mr Klamer: Yeah, you stay over.

Mr Klopp: That's better than you've run out of gas.

Mr Klamer: In that instance, I didn't show up one night when I was supposed to show up. I got home and my parents picked up the phone and phoned the police and said: "It's okay, he's here. We've found him." So my parents had called the police wondering what had happened to me.

I just don't understand what the difference is between 11 o'clock or 1 o'clock in the morning. This makes absolutely no sense to me at all. It reminds me of two things that happened to me. One was when I turned 18 years old. At that time, you were legally allowed to drink at that age. I'd been drinking in bars since I was 17. I had fake ID like all my friends did. I remember having my birthday and going, "Wow, now I can legally drink." I remember going out that night and sticking my ID in all the doormen's faces, saying, "Don't you want

to check my ID?" whereas before I would avoid that situation. I felt no different from that time to another; from being 17 and then 18 there was no difference in my lifestyle, no difference in the way I conducted myself.

The other instance was when I went to university. All of a sudden I could come in and I could eat food and drink in the classes, and yet two months ago I was in high school, where if I did that I'd be in the principal's office, like that. So something like this, not between midnight and 5 am, makes no sense to me. All of a sudden a year later you're now allowed to drive late at night.

On the next one, "Display a vehicle sign," two things bother me about that. One is the fact that this will identify not so much a mature adult as a new driver, but I'm worried about a young child having that, a 16- or 17-year-old. There are a lot of people I remember when I was driving my car, other kids who would come up in their souped up sports cars or whatever and would harass you on the road. This just identifies you even more.

The other problem I have with that is, if you look at what's happening in Florida with rental cars, you see tourists being shot because people are able to spot rental cars. If you had a sign like this on a car, it would immediately identify someone as a child. I'm telling you, if I had a 16-year-old daughter, I don't want her standing out any more than her age already does.

The other thing this reminds me of is when you see people taking their driver's ed courses, you see those signs on top of the cars stating "New Driver." It's to give you a warning. You give them a little more latitude. You don't come up and ride their bumper. You don't honk your horn because they're driving slow or they're making a turn a lot slower than a normal driver would. At the same time, I see people when they see those signs do their damndest to get the hell out of the way, in itself causing accidents. I see a sign like this creating, "Oh, God, a student driver; got to get out of there, driving too slow, lousy drivers," and zoom out of the way and then cause an accident doing that.

Limit of passengers to seatbelts: I think everybody should wear a seatbelt if they did any damn good. It bothers me that children are going to be sitting in the back of cars that only have lap belts not combined with shoulder harnesses. There are a lot of kids in this country and the United States who are paraplegics because the law said you wear a seatbelt and they put their seatbelts on and were rear-ended while at a stop or moving, and they were thrown so violently forward because they didn't have a shoulder harness that their backs were broken and they can no longer walk.

I also wonder how long it's going to be before the first car accident turns up where you have one of those nice little Chevettes or something, with four kids in the

car and two lying down on the floor because there weren't any seatbelts and they were hiding from the police so they wouldn't get pulled over.

1520

These kinds of laws sound very good, but in reality they just don't work because kids are going to do things. I can't imagine walking out of a party with a 20-year-old and a 16-year-old and there are five of you and only four seatbelts in the car. Are you going to leave this kid there who's your best buddy? Are you going to try and make other arrangements and say, "Well, come in so and so's car," but so and so can't drive because he doesn't have someone who has four years experience to sit beside him? These things all sound fine on paper, but in reality they just don't work.

Then at the end of all this nice little booklet here, it says that this should result in a 10% reduction in accidents. Ten per cent? That's it? All this work for 10%? This is ridiculous. I don't see why there shouldn't be some kind of program set up so that it's 90% reduction, so that people just don't have accidents.

Unfortunately, the person from Petro-Canada didn't state something I heard someone else mention as a driver ed teacher. He said there's no such thing as car accidents, because accident is to elude something that's avoidable. If you're driving, all accidents are avoidable if you're a good driver, and the only way to become a good driver is to have proper instruction and proper education, and I don't see any of that here.

How many commercials are on TV saying: "Come to our Young Drivers of Canada. Don't let your parents teach you the bad habits they've picked up."? There's nothing in here about what kind of courses to take, how long these courses should be. When I took my course, it was six weeks long, two nights a week, and most of what I learned was on the road; it wasn't in that class. I'd like to see that changed. I'd like to see it where it's as intensive to get a driver's licence as it is to get a gun licence. You've got to go through so many regulations and so much education on the proper handling of a firearm before you're allowed a licence to get one, that it's next to impossible to get, which it should be.

At the same time, I'd like to see some courses where you have a great big parking lot and you're put in a car and it's simulated, what it's like to drive on ice, if it's the summertime by spraying oil or water on the road. You just sit in a car and say, "Now hit the brakes and see how it feels to spin a car around in a circle," and, "This is what it's like if you smash into something at 30 miles an hour or 40 kilometres." Most people don't conceive of that as being very dangerous, but when you hit something at 40 miles an hour and it brings you to an abrupt stop, the force and the impact just from the seatbelt can hurt you, from stopping you from smashing into anything.

I would like to see some kind of education course

that addresses all this, that teaches you how to drive on ice, that teaches you how to drive in snow, that teaches you how to drive when it's raining outside, and not just how to drive, but what happens if you get into trouble. What happens if your car goes into a spin? How do you get out of it? What happens if somebody opens a car door when you're driving up the road? How do you avoid taking that guy's car door off or swerving into other traffic?

One of the things my instructor told me that I've never forgotten is, "When you're driving down a residential street, as you're driving down and there are cars parked along the street, look under the cars as you drive along, because you'll see two things. You'll either see animals or you'll see kids' feet whose heads aren't over the hoods of the car." I've never forgotten that.

Another instructor I heard once say, "If people would just look three or four cars down the road, just that one fact alone would reduce accidents by 30% because they could see something happening before it was in their face."

How many times have you been driving down a street and somebody decides to make a left-hand turn and you don't want to be stuck there for the next 10 minutes because it's rush hour and the traffic's coming, and you try and get over in the right lane. I see that all the time but I see it six cars back. I'm already in the right lane before I'm even there, before I've got to come to a complete stop and then try and pull out into oncoming right-hand traffic. I could go on for hours about this.

I just think it's important that the education level be raised exceedingly higher than it is right now. I think instruction has to be given in such a form that no matter what driving condition you're in, whether it's at night, during the day, whether you even have somebody sitting beside you, because if it's an emergency, what's this person going to do, say: "Whoa, look out. Oh my God, here we go"? Smash, there you go. I think before anybody is allowed to drive at all, when they get their learner's permit they should go to classes and courses that teach you evasive action and teach you what to do in an emergency and teach you not to panic.

How many times have I seen somebody run an intersection and instead of the person hitting the gas and getting the hell out of the way, they slam on the brakes because they're scared, "Oh my God, I'm going to get hit." Damn right, if you stay there. Get the hell out of the way. They hit the brakes because they panic. I would like to see something that teaches that form of driving, and that's all I have to say.

Mr Conway: Thank you, sir. You've certainly had a more interesting 38 years than I've had. One question I would ask has to do with your assessment of the driver education that you yourself took. You said you took a Young Drivers of Canada course?

Mr Klammer: It was the Ontario Motor League driver ed course.

Mr Conway: How would you assess the quality of that?

Mr Klammer: A lot of things I learned in that class I still hold today, like I said, looking under cars as you're driving by. But as far as teaching me what to do in an emergency is concerned, I was taught nothing. I was also taught how to conduct myself with police, which thank God I was because of the situations I ended up in, but other than that.

The other thing that just reminded me of is that I was watching Marketplace or W5 or one of those shows on TV. They were doing a segment on driver ed courses. They brought in a woman who was a driver ed teacher herself and had her play the part of a new learner. She was well in her 30s, and she got in this car and they followed in front with a camera and had her wired for sound. This guy had a cellular phone in his car. He was trying to rent an apartment and she said you could see it. Through half of this supposed driving instruction, this guy was sitting there on his phone trying to rent his apartment instead of teaching her how to drive.

The program also showed the fact that instructors basically have to do nothing to become instructors. I think you fill out a form, get a licence and there you are. They don't take any courses themselves on how to teach other people how to drive.

Mr Turnbull: Is it your position that you would require mandatory formal driver education?

Mr Klammer: Yes, I think that should definitely be included in it. I think there should be mandatory education from a licensed—and I mean licensed by the government of Canada or Ontario or both, teaching these instructors on how to handle road conditions. I think everybody should go through the course.

Some of those times when I got my driver's licence and I got a ticket, the judge would say, "Either pay the fine or you take this course over here for the next two hours at night," and I would take this course. This was the question that I was asked every time I went to one of these courses: "When you're making a left-hand turn and you see the yellow arrows that point to the left-hand turn lane, but you also see sort of like a teardrop section with yellow lines going through it, are you or are you not allowed to drive over those yellow lines when you're making a left-hand turn as you approach the left-hand turn light?" This was the question I was asked. The answer is yes. The only people who put their hands up and said yes were the ones like myself who took the OML course, because that was one of the things the teacher told us. You are allowed to drive over those other lines.

When we answered that question, the instructor would say, "How many people have taken this course?"

I'd put my hand up, and everyone else who didn't know the answer never put their hand up. They were never taught this, even though it is a rule of the road and it is required knowledge, and it should be. If you haven't driver education, all of this becomes irrelevant.

Mr Gary Wilson: Thanks, Mr Klamer, for a fascinating account of your driving experience. What kind of driver are you now, would you say?

Mr Klamer: Now?

Mr Gary Wilson: Yes.

Mr Klamer: I'm pretty much the same driver as I was when I was a teenager. I haven't really changed my driving habits, I've just become a better driver. I now know you don't get behind a taxicab ever, if you can help it, because these guys are maniacs.

Mr Gary Wilson: You think these things would be better done in a course? Is that the proper place?

Mr Klamer: I think that if my teacher had told me what taxicab drivers are capable of doing to get a fare, I wouldn't have smashed into the back of one when he stepped on the gas and pulled up and then hit his brakes because somebody went like this and I wasn't ready for it.

Then six months later I was standing at the corner of Avenue Road and Davenport and I saw the light turn green. The cab went through the intersection, a guy stuck out his arm, he slammed on his brakes and the person right behind him—you don't expect a car to stop all of a sudden when there's no reason to, like making a left- or right-hand turn where you might expect that—boom, right into him. The exact same thing that happened to me happened to this person.

I think if an instructor had taught me that, saying, "Look, cab drivers are the worst drivers in the world"—I'd like to see these guys tested on an average of once a week. Not much chance of that happening, but these guys make illegal U-turns, they stop whenever they want, they pull over whenever they want without signalling. If he had told me: "Look, when you're driving behind a cab, take it easy. Give yourself room, because you don't know what this guy's going to do"—but nobody told me that.

The Vice-Chair (Mr Mike Cooper): Mr Klamer, thank you for bringing a whole new perspective to this committee. You've raised a number of questions that will, hopefully, be answered from some of the future presenters.

Mr Klamer: I hope so. I'd like to see some of them. I hope you enjoyed yourselves. I wish you a lot of luck on the 25th.

1530

OFFICE OF THE CHIEF CORONER

The Chair: Next is the chief coroner of Ontario, Dr James Young. Good afternoon, Dr Young, and wel-

come. You have been allocated one half-hour for your presentation, and I know the committee would appreciate at least half of that, if it's possible, for dialogue and questions and answers. Proceed at your leisure.

Dr James G. Young: I have planned that way. I'm pleased to be invited this afternoon to make some comments. It's at some considerable personal peril. Being the father of four teenage boys, this is not a particularly popular topic at home sometimes, when they're being teenagers rather than being adults. We've had many of these debates, and many of the issues that have been raised, I'm sure, with the committee have been discussed on a personal basis at my home as well as in my role as the chief coroner.

I've put together a package I'd like to work through that just has some headings. I'd like to put some material to you, then. The office of the chief coroner has a role not only in investigating deaths and answering the questions, who died and how they died, where they died, when they died and the means of death—those are important questions and necessary in death investigation—but fortunately, I think, for the citizens of Ontario, the Legislature has decided that we also have a role in public safety.

The coroners in Ontario are mandated to investigate all of the circumstances surrounding a death and, if possible, to make recommendations to prevent similar deaths in future. We make these recommendations in a number of ways. On occasion, we will make recommendations immediately following an investigation. So if, for example, in a local area it's obvious that a stop sign or a change in the design of a particular intersection may prevent accidents, we may speak to a local council, to the Ministry of Transportation, whoever's involved, and see if we can bring about those changes.

Some issues are taken to inquest. An inquest, I'm sure all of you realize, is a formal public hearing. People are subpoenaed, evidence is given and recommendations arise that will lead to changes in road safety, road design etc.

The third way as well is that we participate very actively in research, and we attempt to use that research and those statistics in order to make recommendations that will help prevent similar deaths in future. A large part of the research that we do in regard to traffic injury is with the Traffic Injury Research Foundation of Canada, which is based in Ottawa and funded through the federal government. The office of the chief coroner has been one of the offices, then, that have signed on with this project and we've worked cooperatively with the traffic injury research for a number of years in researching the causes of accidents.

In order to do this research properly, we've established a policy within the office of the chief coroner that we will autopsy the drivers of vehicles and we will, as part of that autopsy, routinely do alcohol testing on

these drivers. That allows us to gain the necessary information in order to do this research project properly to provide accurate and full figures. It also allows us to satisfy families and the courts that the cause of the death is related to alcohol or driver error or mechanical breakdown versus heart attack or some other medical cause.

Early on in this research, we did a project where we tested for drugs other than alcohol, and the results overwhelmingly indicated that the major problem, the major drug, was alcohol, that if alcohol was eliminated from drivers, we would go the majority of the way towards solving many of the problems. There were some findings of diazepam or Valium and a little bit of marijuana, cold remedies, things like that, but overwhelmingly it was alcohol that was the problem.

This early research led the office of the chief coroner to embark on a series of initiatives through the early 1980s in order to try to reduce the number of auto accidents on Ontario highways. We realized that if we worked along with other groups such as the Ministry of Transportation, the insurance industry and various other groups and we gave the same message, we may be able to influence public opinion, make some changes, bring about changes in legislation and policy and save some lives.

The three main thrusts at that time were to reduce the speed limits on the highways in Ontario, to ask for and try to convince people that seatbelt legislation was a good idea and to change attitudes and practices concerning drinking and driving on Ontario highways. We realized that the drinking and driving was probably the largest of the groups and one that's an ongoing one. All of them are ongoing problems.

But we realized that we should have a series of initiatives related to youth, and that included education early in school and intensive education, and trying to change social attitudes in the long term in regard to drinking and driving. It also included probably a system, in time, of graduated licences, which is where we're at now, and for the older driver, feeling that education isn't always the major thing that will work, a series of sticks and carrots, the sticks being year-round RIDE programs and increased pressure on the courts to convict and increase sentences.

These measures together did have some success. From 1980 to 1990, the number of fatalities on Ontario highways dropped from 1,702 to 1,286, so there were some 500 fewer deaths during that period of time. We also enjoyed considerable success in regard to blood alcohol and drinking and driving. The number of drivers who tested positive for any alcohol during that 10-year period went from 56.9% to 46.8%. The over 80 group fell from 47% to 32%. But I emphasize that those are improvements and those are real lives that have been saved, but those numbers of 46.8% of still positive in

1990 and the figure of 32.9% of over 80 mg are still too high and there's still considerable work to be done.

It's obvious to us at the office of the chief coroner, from the cases we see, that there are still three main problem areas that need to be addressed. The unlicensed driver—and that's the driver who has had a licence suspension and continues to drive—remains a very serious problem on Ontario highways. These are the drivers who are often very impaired as well, and they pose the double threat. The elderly driver and the increasing number of elderly drivers will call for special measures in coming years as well. The inexperienced driver is the third area, and obviously the area that we're focusing on at this point in time.

My remarks will generally deal with the young driver, the 16- to 19-year-old, because that's the group I can statistically pull out and examine. I can't examine easily the older, inexperienced driver, because when we are investigating a death, we may or may not be able to tell the full level of experience. We may or may not have that type of statistic. So my remarks are, in particular, in regard to the 16- to 19-year-olds.

I don't want to bore the committee with a lot of statistics and I haven't brought a great number. I want to preface the statistics that I bring by saying that it's fine for me to discuss numbers. Also, I as the chief coroner and the 400 coroners in Ontario have to deal with the families and the one-by-one tragedies that exist. I think we can't lose sight of that. These numbers are imposing and they're serious, but they also represent a tragedy to every one of those families and the extended families.

1540

The fatalities among drivers in Ontario: We have seen improvement. For the 16-to-19-year-old group, the numbers have fallen, from 1980, from 125 to 67; the 20-to-25 group from 192 to 128. That is improvement but it's still 200 lives lost a year.

These are only the figures for drivers. I'll emphasize in a moment the number of passengers that were being included in this group as well, and this is particularly significant in the young group. The number of passengers who are killed along with the drivers is startling in this group. I think we only have to think of recent events; there have been several accidents that have involved several young people in the same car with inexperienced drivers. This is one of the big problems and one of the tragedies of this age group.

One of the other themes I would point out is the problems with the 20- to 25-year-old group. The previous witness alluded to this and said many 20-year-old drivers are still terrible drivers. My statistics would be inclined to agree with him. The problem then, in my mind, isn't that we don't put 16-year-old drivers with experienced drivers, because first of all there's nothing to say they have to be 20 years old; they may be 40 or

44 or 50 years old. What it says to me is that we've got to do a much better job of educating our young drivers and establishing good driving patterns that are going to hold while they're 20 and 25 so that we reduce with time, through education and a long-term program, the number of deaths in this group as well.

The blood alcohol figures for these age groups are equally startling. It's somewhat amazing to me that in the 16- to 19-year-old group in 1980, 46% had blood alcohol readings over 80 mg. This is in a group that largely shouldn't have been drinking. The figures have improved considerably, but it's still 17.9%. In the 20 to 25 group, as you can see, the patterns get worse. The alcohol consumption goes up with over 80 mg at 55.3% and still in 1990 the figure is at 39.4%. This is a group that has to be educated. I believe you teach them early and you establish the pattern. The 39.4% is far too high a percentage and is leading to a large percentage of these deaths that we're seeing in this group.

As well, you'll note drivers and passengers under "Accidental Motor Fatalities." This is what I was alluding to earlier. In 1990 and 1991, in particular when we're looking at cars, 62 drivers in 1990, 49 passengers; in 1991, 39 drivers and 37 passengers, so the risk as well is in overloaded cars with young and inexperienced drivers. What happens, we believe, in many of these instances is that there's a lot of conversation, radios may be up, the driver becomes inattentive to what he or she is doing on the road and it's one more challenge to the driver.

I'd also point out, on this particular set of figures, that when one looks at the total number of motorcycle and motor vehicle fatalities versus the total number of accidental deaths in this age group, it's startling how high a percentage it represents: 117 out of 182 accidental deaths in 1990 and 88 out of 141 in 1991, and flipping to the age group for 20 to 25, one sees exactly the same pattern. Still, the number of passengers is relatively high, although less so than in the younger group. But the overall number compared to the number of accidental deaths is startlingly high: 199 to 311, 164 to 270.

Clearly, if one can find a way to reduce the number of motor vehicle fatalities within the group from 16 to 25, one will save the majority of the lives that are lost through accidents in Ontario. This, to me, becomes why it's so important to focus on this group. This, after all, is the group beginning its life with everything in front of it. If we can get them through that period safely, the statistics become much better later.

Our experience indicates that the problems with inexperienced drivers are the combination of inexperience plus night driving, weather conditions, the speed and the manoeuvres that are necessary on super-highways, driving diversions from passengers, and alcohol. We think that any program that is going to

show improvement in the statistics and the number of deaths will require to attack these various problems that exist, and that's certainly what the graduated licence proposal does is attack these various areas.

We decided that the inquest system in Ontario did have a role to play in promoting graduated licences and hopefully leading to my appearance before a committee such as this and the day hopefully that the legislation is passed. We wanted the inquest to be able to look at and establish whether or not the factors on the previous sheet were accurate, and we believe that they are.

We wanted to make the problem real to the teenagers in Ontario and we did that by holding a number of inquests in various locations in Ontario, and often the youths were the actual witnesses. It hits home when you hold an inquest and they're talking about their friends and their friends who are no longer alive. We held many of those inquests in gymnasiums right in the schools in Ontario. We held a formal inquest and in many instances the schools cooperated and attendance for part of the inquest was compulsory in order to hit home on how serious this problem was and we made recommendations towards prevention.

We had multiple inquests across the province. Repeatedly, juries, made up of laypeople, when given the correct information and told about the problem and the possible solutions, endorsed the system of graduated licences in Ontario.

For my purposes then, in regard to the proposed legislation, it seems clear to me that we have a problem to solve regarding inexperienced drivers, that graduated licensing systems are a proven solution in other locations and will address our specific problems, and that any loss of privilege is more than compensation by the potential savings in lives.

Mr Turnbull: Tell me something, if you had your druthers and you were writing this legislation, would you go further than this legislation goes? One of the great concerns that has been expressed by the Insurance Bureau of Canada and indeed many other witnesses is the fact that in level 2 we introduce drivers to new experiences, those being night driving and also the 400 series roads without the requirement that an experienced driver be alone in those experiences. Do you think that that is a good idea? If you were going to change the legislation, how would you do it?

Dr Young: I think ideally I would agree with the insurance bureau in those submissions. I recognize that there are a number of competing pressures in regard to satisfying people that teenagers can get home from jobs and work and how long you keep them off the highway. So I'm a realist from that point of view and I accept that there were tradeoffs at the time that the proposals were made.

I would be more comfortable if those matters you

raised were a little more stringent, but I also feel that what's proposed is 1,000% better than what we have now. So I endorse it as far as it goes, and I guess my feeling would be, it could go further and it would be useful. I think it's useful in regard to the highways that somehow people be checked out, that they receive some education in regard to highways, that they understand the concepts of merging and getting off highways. My own boys don't drive the car till I've been in the car with them and gone up and down the highways and merged and they've satisfied me that they understand those things.

1550

Mr Turnbull: The question of seatbelts that you spoke about at the beginning: I very strongly believe that we should not allow more than an accompanying driver in the front seat. I have concerns that by limiting it to the number of seatbelts, we will have three people in the front of the car, which, in my perception at least and certainly some of the other witnesses that we've had, is a distraction to the driver. Could you comment on that?

Dr Young: I think it is a potential distraction. Certainly, I think it's common sense that the more people in the car, the more distraction, particularly if they happen to be other young people. I think in an ideal world it would be better if they're limited to two. Frankly, I hadn't thought of it before, but I think it's a very sound principle.

The principle of everyone having a seatbelt is superb. In fact, we've seen other accidents in the province, including a major van accident last year in the Sudbury area, where there were far more people in the van than there were seatbelts. We're very interested in seeing eventually legislation that limits passengers to the same number of seatbelts in all vehicles in Ontario.

Mr Turnbull: Across the board, yes. With respect to seatbelts, it would seem to me that as drivers are gaining experience there's probably a slight tendency to have greater numbers of more emergency braking than you would have if you're a very experienced driver. Would it not be, given the problems associated with lap straps as opposed to the full shoulder harness, a further danger for people driving with those?

Dr Young: Some. Certainly a lap is some increased danger. Fortunately, the younger you are the more pliable you are—certainly a lap belt is better than nothing at all. A three-point restraint is certainly the advisable way to go. I don't have any figures. I don't have a strong feeling that we've had a significant number of very serious injuries in teenagers just because of lap belts. More commonly, it's a question of where wearing the belts at all or the accident was so overwhelming that no one could survive it. Intuitively, what you say is correct. I'm not sure that I can back it up in any way, though.

Mr Turnbull: Would you lean towards mandatory driver education?

Dr Young: You get into the problem with mandatory driver education as to how you fairly apply it and how much you can insist on, at what cost. That's the only difficulty I have. In terms of it being a good idea, certainly it's mandatory in my house. Fortunately, I have the financial resources to make it mandatory. But you run into the problem as to whether everybody can afford it. My only hesitation in saying that is, how do you make it accessible to everyone? But, otherwise, is it a good idea? Certainly it's a good idea.

Mr Turnbull: In your opinion as chief coroner, what is the overwhelmingly most important issue? Is it alcohol? Is it experience? Is it numbers of people in the car?

Dr Young: If I could only pick one, it would be keeping the inexperienced away from alcohol for as long as possible, and hopefully permanently. If we could do that on a long-term basis, the savings in lives goes on then through the 20 to 25 and on up through the ranks.

The inexperience came home graphically to me. I remember driving with one of my boys the first time when he drove at night. He had become quite a good day driver in the day but he was terrible at night until he'd been out a few times. But those are learnable, and they're learnable relatively quickly. You can learn how to drive in snow and such if somebody takes the time to take you out a few times and teach you. You can take someone out and teach him or her to get on and off a highway. The one behaviour you always want to teach them and you want them to never vary from in particular is the consumption of alcohol and getting behind the wheel.

Ms Murdock: Thank you for taking time out of what I'm sure is a busy schedule.

Dr Young: My pleasure.

Ms Murdock: I particularly want to focus in on any loss of privileges more than compensated for by potential savings of lives because a number of the comments that have been made have been on the inconvenience that might be caused in terms of not being able to get your 365 today and pass your licence tomorrow and be driving, and that there would be, with driver education training, a minimum eight months so that you would have to have an accompanying driver.

I guess from your presentation that your accompanying driver you would like to see not at the recommended 0.5 alcohol level but at a zero BAC as well?

Dr Young: I think that's a fair statement, because if we're going to teach someone about alcohol consumption and not drinking and driving, we should set a standard that's proper, and the proper standard should be zero to aim towards.

Ms Murdock: The other thing is, one of the recommendations of one of the presenters yesterday, was at level 1, that it be divided into a four-month and an eight-month time frame in terms of night driving, and that for the first four months of your level 1 graduated licence, you would drive in daylight hours only. For the next eight months of your 12-month period, depending on whether you took a driver ed course, of course, you would be required to be with an accompanying driver. You would then be able to do dusk till midnight, and then in level 2 you would do midnight to 5 am with an accompanying driver in order to gain experience. What would your comment on that be?

Dr Young: I have no problem with that. I think that's very sensible and allows some flexibility and allows that people are going to be gaining experience. Certainly my personal experience as well is that some of these skills can be picked up relatively quickly, and that kind of flexibility I think sounds very good.

Ms Murdock: Lastly, in terms of the level 1 period, because I don't know whether or not we could legitimately do it for the full 24 months, but in the level 1 period of the 12-month no passengers at all other than the accompanying driver. That's what you're recommending.

Dr Young: I think certainly the existence of passengers increases the risk considerably. The thing that happens is the radio goes on to not necessarily CBC, and it usually goes up a couple of notches, and there's usually a lot of conversation about turning in to McDonald's and go here and go there. The level of distraction goes up; there's no question. I think the less distraction we place on the inexperienced driver the better.

Mr Dadamo: We're indeed honoured to have you here, doctor. Thank you very much.

When you lose one life, it's one life too much, obviously. I was looking at the chart where you detailed the blood alcohol from 1980 to 1990 in the 16- to 19-year-old category. In 1980 it was 46.6%; in 1990 it drops to 17.9%. As I said, one is too many, but still there are some positives in the numbers that have dropped.

Dr Young: Very much so.

Mr Dadamo: Certainly. Maybe I don't see it, but I wanted to ask you, what are the factors that helped deliver a drop like that?

Dr Young: I think programs in the schools have been the major thing. The development in the 1980s of an emphasis to teach drinking and driving and alcohol-related problems in the school to a much larger extent and development of—there was a program in Peel region that was developed with the crown attorneys, the police, the coroners and the education officials, and that spread across the province. The idea that you try to

teach kids about designated drivers and phoning home and getting rides when they're impaired had a major success and it started to change attitudes. That's what I would attribute it to. We really targeted educating at an early age and I think it worked, largely.

Mr Dadamo: My own 16-year-old daughter was invited to a youth camp about a month ago out near the Sarnia area, and was going with four others and the driver was a 17-year-old in a van. I said to her that I would drive her because I didn't feel quite comfortable allowing her to go, but the parents of the 17-year-old didn't get it. I don't know what this person's driving habits would be, but obviously, what I thought of was that the music and chitter-chatter and all sorts of things on the 401 didn't make me comfortable. I guess the learning process or some of the guidance has to come from parents in a situation like that.

Dr Young: I think so. Certainly I've attempted in my house to put in my own form of a graduated licence program, but it's a lot harder for a parent to battle on a case-by-case basis because I hear about how I'm too strict and I'm the worst father going. It's much easier if there's a standard and then people, if they want to impose a stricter standard beyond that, that's fine, but there's a tremendous amount of peer pressure about all of these issues that are dealt with in graduated licences. I think certainly every parent with teenagers coming in Ontario will applaud having to be able to say: "This is the law. It's not my choice any more."

1600

Mr Conway: Thank you, Dr Young. This is really a very thought-provoking set of data that you've provided. I'd like to turn to the two charts, "Fatalities-Drivers, Ontario, 1980, 1990" and "Fatalities-Drivers, Ontario, 1980, 1990, with Blood Alcohol over 80 mg." When I look at those two sets of data, the thing that strikes me is that we've spent a lot of time here and I think there's unanimous support for the principle of the graduated driver's licence and a lot of very powerful testimony to support it in principle. Now you come by with some data that really make me think. We may have something else here.

I look at the first chart, and the fatalities are greater in absolute terms in the 20 to 25 age category, and the illegal blood alcohol levels are high and not coming down as fast on the second chart. I guess I've got two questions. How is the graduated driver's licence going to help deal with that particular problem, with the 20 to 25 category? Is it presumably because it's going to inculcate better values in kids as they come through the system?

Dr Young: I'm hoping that. I see that as a real problem area. When I gathered these statistics, I was aware we had a problem in that age, but it jumped out at me as well and I had exactly the same thoughts as you did.

We saw the result in the numbers of drinking and driving by educating in the schools and by starting people off with a different way of approaching things. By going through a longer program of getting a licence, restricting it, tolerating no alcohol for a longer period, my thoughts are and certainly my hope will be, and I believe it will happen, that we will see a decrease in the 20 to 25 range and it will simply be a learning process that holds on for a lot longer.

Beyond that, I've thought about that group, and it's a very tough group to approach and to do a lot about. Many of those people are out of school. They're just beginning jobs in some instances. They may be into a pattern in their lives before they're married and they're kicking up their heels a little. It's a serious problem.

Mr Conway: When I look at the second chart—and my friend Offer here reminds me, and he's got a question in a moment, we've been talking a lot here about blood alcohol levels at zero. Of course, you have to be reminded that you can't drink in this province until you're 19.

Dr Young: That's right.

Mr Conway: It's trite to say that, but then you look at data like these and you're reminded of what reality may be for a lot of people.

I was saying here yesterday that Dr Schabas has just concluded that very interesting survey of teenage behavioural patterns in Ontario in 1992. It's pretty breathtaking what's going on out there in light of some very well advertised risks. So I look at this and I say to myself: What are these 20- to 25-year-olds unlearning? What's happening there? Because even in the current system, which we all agree in terms of licensing is inadequate, there appears to be a certain pattern that deteriorates after three years.

The one thing that does happen is that it is legal to drink in this province when you're 19. We had a strong presentation from John Bates this morning arguing that you should move the drinking age up to 21, yet when I look at your data, boy, that doesn't suggest that would necessarily achieve the desired result.

Dr Young: I think we need to get people started for a significant period of time with zero tolerance and hope that's going to have the effect. I'm not sure beyond that how you do modify the behaviours. I totally agree with everything you've said. I'm not sure how you affect what happens between 20 and 25 and the culture that develops and the habits that develop through that time. I think we may have to have a careful look at that. We certainly have at various times—we've dealt with, for example, the frosh party on the boat going to the Toronto Islands a couple of years ago. We had a very careful look at an inquest at that and made a whole series of recommendations about toning down initiation at various universities and community colleges, that

type of atmosphere, and I know that some of the community colleges and universities are not running pubs on campus any more.

You can make an argument, on the other hand, that that drives them away and they have to get in cars and come home. There's no one ready and easy solution, but we have to change that kind of behaviour through that time period. It's probably, like drinking and driving itself, going to take many different approaches to do it.

Mr Offer: Thank you very much for your presentation. I also want to focus in on the charts that Mr Conway brought forward in your presentation. In your fatalities, drivers with blood alcohol over 80 mg, per cent, you had the ages 16 to 19 and 20 to 25. That's over the legal limit. Do you have figures on alcohol in the body? I mean, we know that a young person having this amount of alcohol, apart from it being illegal, is—I mean, I just have a sense that if there was any alcohol, those numbers would be dramatically higher.

Dr Young: Yes, they would be. I have them at the office. Unfortunately, I don't think I have them with me. I didn't want to bury you in statistics, which we could have. I can get them and would certainly be happy to send them over.

Mr Offer: I certainly would like to see those numbers. The other point—

Dr Young: So, any alcohol at all? Not just the over 80?

Mr Offer: That's right.

Dr Young: That's fine. I can easily get those.

Mr Offer: The other point that I want to basically ask you is, under this proposal—and we all are in agreement with the principle of the proposal—basically there are going to be kids at 16, 17. They're going to start to get into the level 1. They're going to get into the level 2. They're going to be out of the level 2, probably, in two or three years. That whole process, they are still going to be under the age that they can legally consume alcohol in this province.

The proposals under levels 1 and 2 that say you have to have 0% is, I think, for the majority of people not going to really click home because it's illegal for them from beginning to end. The new driver with alcohol is not the 16-, 17- and 18-year-old. It's the 20-year-old; it's the 21- and 22-year-old. Is there some suggestion that you might give as to how you address the 16-, 17-, 18-, 19-year-old? Is it by virtue of penalty? How is it that you deal with the 20-, 21-, 22-year-old who is in fact the new driver with alcohol even though they may have been on the road five years?

Dr Young: I guess what comes immediately to mind is whether you extend through this period either a zero tolerance or a lower tolerance than you allow in the other drivers. Whether that would gain public acceptance, I'm not sure, but it's certainly a serious problem

and it targets right into that 20- to 25-year-old age group.

Of the two things immediately come to mind, the most draconian of them is to say, "There should be zero tolerance for the first five or seven or eight years of your licence. After that, you're allowed up to 0.08." Or you say, "Well, we'll allow 0.04, half the legal requirement, after a certain number of years and gradually increase up to what's considered the legal limit now." Certainly that would, I think, go a long way and would address that kind of problem if it could be done.

The Chair: Dr Young, it is our pleasure that you were able to be here this afternoon and provide some very interesting information and some interesting points of view. We trust that any information you think would be of value to the committee as we continue our deliberations, you can forward to us, along with, of course, Mr Offer's specific request for information, because I think that would be most helpful.

So again, on behalf of the entire committee, thank you for taking the time out of what I know is a very busy schedule and helping us address this very important public safety issue.

Ms Murdock: I have just a correction for the record, Mr Chair, with regard to comments that were made this afternoon by Mr Annett's presentation with regard to novice drivers not being able to drive on the 400 series even with an instructor. I would point out that in the draft regulation to be made under the Highway Traffic Act, under the driver's licence sections on page 6, paragraph 5(1)4, it says, "The motor vehicle may not be driven on a highway designated by subsection (5)." Then under subsection 5(6), it says, "Paragraph 4 of subsection (1) does not apply if the accompanying driver is a driving instructor licensed in Ontario." So that does mean that even though you're at level 1, you would still be able to drive on the 400 series if you were in a driver education program.

Mr Cooper: Could we have somebody from the ministry come forward and tell us exactly what the law is on seatbelts with vans and trucks? There seems to be a question on that.

Ms Murdock: And in the back of the truck.

Mr Cooper: Or in the back of pickup trucks. The rationale for the point of all passengers having to wear seatbelts—there seems to be some question on that.

The Chair: We have Mr Domoney, I believe, joining us to provide that information.

Mr Bob Domoney: There is a general misconception, I think, on the part of the public regarding the use of seatbelts. My understanding of the law is that a vehicle, if it was originally equipped with seatbelts, must have the seatbelts in it and operable. So you cannot take them out.

In the case of a pickup, for example, you have seatbelts in the bench but you obviously don't have them in the back of the pickup. It's more common in construction scenarios, where, for example, you might have a covered pickup or a van which is not equipped with belts in the back, or in ambulances, which is another example. Where those vehicles were not originally equipped, you need not put them in and you need not buckle up in those scenarios, but you must use all available seatbelts.

So if a vehicle, for example, is equipped with five seatbelts and you have six people in the vehicle, that is not illegal provided you aren't overcrowding the driver. You must buckle up five of those people, and you must do it in a certain priority. Children, those under 16, must be buckled up first. After that, one individual in that case could be in the vehicle legally without a seatbelt, provided you are not overcrowding the driver.

The rationale for what we've got in the graduated licensing system is, notwithstanding that that may be the existing law, in the case of an inexperienced driver it's important that you not have anyone unbuckled. Personally, I think that we should impose that law as a general condition, but we're saying that particularly in the case of an inexperienced driver, it's important that you not have unbuckled passengers.

Mr Cooper: It was my understanding that you couldn't have passengers in the back of a pickup truck.

Mr Domoney: You may.

Interjection: It's not against the law?

Mr Domoney: It's not against the law, and the reason it was not made illegal is in the scenario of the construction vehicle where you're transporting a number of construction workers to a construction site. That was, I believe, the original intent.

The Chair: Thank you very much. The committee is adjourned until 2 pm, Monday, September 13.

The committee adjourned at 1614.

CONTENTS

Thursday 9 September 1993

Graduated licensing	R-321
CAA Ontario	R-321
Glenn Moore, chair, government and public affairs committee	
Catherine E. Newell, vice-chair, government and public affairs committee	
City of Scarborough public health department, nursing division	R-326
Judith Lang, public health nurse	
Toronto City Cycling Committee	R-329
Antonio Lopes, member	
Paul Rappell, co-chair	
Barb Wentworth, bicycling safety education coordinator, city of Toronto	
MADD Canada	R-334
John Bates, representative	
Dominion of Canada General Insurance Co	R-340
George Cooke, president and chief executive officer	
Douglas Annett	R-345
Joseph Klamer	R-350
Office of the Chief Coroner	R-355
Dr James G. Young, chief coroner	

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- *Turnbull, David (York Mills PC)
- Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

- Dadamo, George (Windsor-Sandwich ND) for Mr Waters
- Daigeler, Hans (Nepean L) for Mrs Fawcett
- Murdoch, Bill (Grey-Owen Sound PC) for Mr Jordan

Also taking part / Autres participants et participantes:

Ministry of Transportation:

- Dadamo, George, parliamentary assistant to the minister
- Domoney, Bob, manager, graduated licensing compliance branch
- Levine, Paul, manager, safety policy office

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: McNaught, Andrew, research officer, Legislative Research Service

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**Legislative Assembly
of Ontario**

Third Intercession, 35th Parliament

**Assemblée législative
de l'Ontario**

Troisième intercession, 35^e législature

**Official Report
of Debates
(Hansard)**

Monday 13 September 1993

**Journal
des débats
(Hansard)**

Lundi 13 septembre 1993

**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

Graduated licensing

Délivrance graduelle des permis



Chair: Bob Huget
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LEGISLATIVE ASSEMBLY OF ONTARIO

R-363

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 13 September 1993

The committee met at 1403 in the St Clair Room, Macdonald Block, Toronto.

GRADUATED LICENSING INSURANCE BROKERS ASSOCIATION OF ONTARIO

The Chair (Mr Bob Huget): Good afternoon and welcome. The first witnesses the Insurance Brokers Association of Ontario. Identify yourselves for the purposes of Hansard and proceed with your presentation. You've been allocated one half-hour and I know the committee members would like, if possible, 15 minutes of that for questions and answers and dialogue.

Ms Diane Wigley: My name is Diane Wigley. I'm a registered insurance broker from Metropolitan Toronto. I'm a principal of a medium-sized brokerage firm. I'm here today with one of our staff members from IBAO, Mr Don Stewart.

Mr Don Stewart: My name is Don Stewart. I'm a manager with IBAO and have worked for many years in both the insurance company business and the brokerage business.

Ms Wigley: The Insurance Brokers Association of Ontario is a non-profit organization representing over 7,200 professional insurance brokers throughout the province of Ontario. Our purpose is threefold: to provide quality education to members; to liaise with government offices on behalf of members and the insurance industry in general; and to promote and communicate the importance of the independent broker to the consumer.

The government of Ontario has taken a major step forward with its announced intention of introducing a system of graduated licensing for new drivers. The IBAO commends this initiative and the concept has our full support. We feel it is a proven method of reducing current levels of death and serious injury and is more than justified on that basis alone. Further benefits will result from reduced damage to physical property and ultimately savings in the cost of automobile insurance to the consumer.

After reviewing the components of the proposed program, we feel there are some areas that could benefit from a strengthening of the regulations, particularly with regard to level 2.

One of the justifications used for implementing a graduated licensing program is the positive quantitative experience developed in other jurisdictions, particularly New Zealand. New Zealand has more restrictions in its program phase corresponding to our level 2 and there would seem to be a real possibility that we won't obtain

its positive results with a program that is significantly less restricted.

Upon completion of level 1, there still exists a large gap in ability between that individual and an experienced driver. Under the proposal, all restrictions from level 1 are removed in level 2, with the exception of the number of passengers being restricted to the number of seatbelts and the requirement for zero blood alcohol.

The level 2 phase most closely represents the current situation where we have a driver who has passed his or her road test and is fully licensed. We are sure that a review of serious accidents involving new drivers would reveal that most occur within a relatively brief period after the permanent licence has been granted. It therefore seems only prudent to maintain sensible restrictions for the level 2 phase. During this period, the driver will be gaining competence in higher speed and night driving situations.

Many new drivers do not have full-time possession of a vehicle and drive only on an occasional basis. This could well translate into little actual road experience during the level 1 phase. Also, it is conceivable that completion of level 1 in the minimum eight-month period could result in no controlled exposure to winter conditions being actually experienced.

Accordingly, we would suggest that level 2 be strengthened in the following manner:

- the restrictions on passengers applicable to level 1 continue in level 2;

- driving between the hours of midnight and 5 am require an appropriate accompanying licensed individual;

- similarly, all driving on 400 series highways and certain designated urban expressways require an appropriate accompanying licensed individual; and

- continue to require the display of a standard novice driver sign in the vehicle.

It is our sincere feeling that these measures will ensure that the level of benefits gained in other jurisdictions are repeated in Ontario.

One area we have not yet discussed is exemptions to the graduated licensing regulations.

There are circumstances where a new driver is employed on a shift-work basis that would conflict with curfew regulations. It might be impossible to arrange for other transportation, especially in non-urban areas, and the time of day could render it extremely difficult to arrange for an appropriate accompanying licensed driver. In these circumstances, we feel it would be

reasonable to be able to apply for an exemption under level 2 effective only with respect to travel to and from work, place of employment. It is felt that existing exemptions for farm and rural dwellers should be detailed in the regulations and continued. Another possible blanket exemption should perhaps be considered in the instance of a bona fide medical emergency.

In summary, we are basically in agreement with the proposed level 1 regulations and hope that you will seriously consider our recommendations for strengthening level 2. We trust that our comments will assist you in formulating your recommendations, with the end result being fewer deaths and injuries and safer roads for all users.

We thank you for your attention and we will be pleased to answer any questions you may have.

1410

Mr George Dadamo (Windsor-Sandwich): Mr Chair, we have three members from the Ministry of Transportation who are here this afternoon to answer any questions the committee members may have.

The Chair: Thank you, Mr Dadamo. We will start questioning with the official opposition. First, I'd like to welcome Mrs Elinor Caplan, the member for Oriole, and Mr Cam Jackson, the member for Burlington South, to the committee this afternoon.

Mr Steven Offer (Mississauga North): I know Mrs Caplan also has a few questions and I think we have the time to do that.

Firstly, thank you for your presentation, especially as it regards level 2. When I look at level 2, I see basically three requirements. The first is maintaining a zero blood alcohol level when driving. It could then be argued that when you're looking at people entering level 2, they'll be 17 or 18, many of whom will by law have to have a zero blood alcohol level because it is against the law to drink. I think this underscores the point you've been making.

The second is limiting the number of passengers carried to the number of seatbelts in the vehicle, and maybe we could get some help. It would seem that the law is that everybody must be wearing a seatbelt, so the number of passengers would be limited to the number of seatbelts in the car, again underscoring the point you're making that level 2 doesn't really have much teeth to it at all.

Of course, the last is to drive a class G vehicle.

The question I have is, apart from your presentation, which talks about strengthening level 2—and I think even last day, when we heard from the coroner, the statistics make your point—should there be increased penalties for contravention of any offence under level 1 or level 2? What is it that's needed to drive home the real issue here?

Mr Don Stewart: I think perhaps the problem with penalties is that they always happen after the fact. I'm certainly not against the idea of having relatively stiff penalties in place, but much like the zero blood alcohol, that's going to be an after-the-fact situation in a great many cases. Our major concern that we've been concentrating on is trying to prevent things from happening in the first place.

Mr Offer: Mrs Caplan also has a question. Just before that, I was wondering, could the parliamentary assistant or ministry officials give us information clearly indicating what are the penalties for contravention of a level 1 offence or a level 2 offence to the driver? We can do that afterwards, I'm sure, but it's not clear in my mind what are the penalties to be incurred by a contravention of a level 1 or level 2 requirement.

Mrs Elinor Caplan (Oroville): I'd like to explore the exemptions with you for just a minute. In my riding, there's a very large immigrant reception centre and a number of my constituents arrive in Canada to settle and make new lives for themselves. Many of them have drivers' licences and driving experience. What do you contemplate as far as an exemption is concerned for people who arrive in Canada needing to have a driver's licence to enable them to work? Do you see an exemption for individuals such as that?

Mr Don Stewart: There is a problem. I suppose it depends a great deal on where the driving experience was obtained. There are in effect current exemptions, I believe for Japan, all the states in the United States and perhaps Great Britain—I'm not sure—agreements that have been reached where their driving experience and being licensed in that jurisdiction is accepted, and you get a licence in Ontario. I suppose that's a matter of research for the department and the ministry.

On the other hand, there are areas of the world where with all the driving experience in the world there'd be no winter driving experience, for instance, or areas where because of congestion and what have you there's probably never any speed above 30 miles an hour. I'm sorry; I'm not really metric yet.

This is the sort of problem that it has. I think it's very difficult to try and judge what exemptions should be made for that. My thought would be that that's probably best left in the hands of the ministry for analysis of whether that driving experience obtained in another jurisdiction is comparable or not.

Mrs Caplan: So at this point the industry's position is: exemptions, yes, but the determination of which countries and what kind of driving experience would qualify should be part of either the regulatory or the administrative process.

Ms Wigley: Yes.

Mr Don Stewart: I think that would be wise, yes.

Mr David Turnbull (York Mills): It's good to see

you here today. I have to say that I'm very much in agreement with your recommendations. I feel a great deal of ownership of this bill even though it is a government bill. You'll recognize I'm not from the government. I've been pushing this for two years.

I have some somewhat technical questions with respect to the exemptions that you put forward. We have been exploring these possibilities to alleviate any hardships in rural areas which are not serviced by public transportation. My concern runs along the lines of who will administer this and how we recapture the cost of this, because let's face it, governments today are not in a position to be able to spend any more money than they're spending today; quite the reverse.

Ms Wigley: That is a concern with the costing and where that is recovered and how that is dealt with. Do you have any comment on that, Don?

Mr Don Stewart: I would think that for a partial method of recovering the cost, for instance, we suggested in the case of shift work drivers that they would have to apply and be accepted.

Mr Turnbull: Apply to whom?

Mr Don Stewart: To the government, to the ministry; I would assume that there would perhaps be a charge, a fee for that. I suppose it would be very difficult to charge any fee that perhaps represented the cost of assessing and granting and what have you, but I must admit that I hadn't given it much thought beyond that. The medical exemption, we think, would be a blanket for a bona fide case.

Mr Turnbull: Yes, quite so, and presumably if the emergency arose, you wouldn't have to worry about, "Do I have an exemption or not?" You would just go and do it.

Mr Don Stewart: I don't think the penalty would be a deterrent. In that case, you'd just do it.

Mr Turnbull: Absolutely. Would it be reasonable to adopt what one or two of the US states are doing, in that just the mere holding of a letter stating employment conditions from an employer would in itself constitute an exemption? I see some problems with that, but nevertheless that is one of the ways that have been used.

Ms Wigley: You don't want to incur abuses of the system so that anybody just gets a letter. I think you'd need to have something a little bit more restrictive than that, whether it's done through another type of driving course that they could take or something.

Mr Turnbull: I asked this question to insurance companies last week. Given the fact that there presumably will be some reduction in the cost of injury payouts as a result of this system—otherwise, why are we doing it?—would it be reasonable to say that the first money out might go towards paying for covering these exemptions, administering it?

Mr Don Stewart: It might not be popular with

consumers, who would anticipate receiving the full benefit of an indicated premium reduction, but it's certainly a possibility.

Mr Turnbull: What about the possibility of insurance agents validating any letter from an employer, where the insurance broker says, "Okay, we agree to this exemption"?

Ms Wigley: I'd like to contemplate that one. That's a suggestion—

Mr Turnbull: Perhaps you could get back to us on that. Another question is with respect to seatbelts. I've got a great concern about the idea that we allow three people in the front seat. I believe that, certainly in level 1, the distraction of having a person there other than just the accompanying driver might be a serious problem. Do you have some thoughts on that?

Mr Don Stewart: If I'm not mistaken, the current regulations state that for anyone under 16, the driver is responsible to see that they have seatbelts on; for anyone over 16, they're personally responsible and the driver is not. This, in effect, I suppose, allows more passengers than seatbelts.

1420

Mr Turnbull: This says that there can only be as many passengers as seatbelts, or that at least the seatbelts have to be fully used. Above and beyond that, if you have more people in level 2, that's okay, but the seatbelts must be done up. A lot of North American vehicles have three seatbelts in the front. Do you see a problem with having other than the accompanying driver in the front?

Mr Don Stewart: Yes, I don't think there should be anyone other than the accompanying driver in the front. I quite agree.

Mr Turnbull: As far as exiting both levels 1 and 2 is concerned, do you think it would be reasonable to impose a restriction that people cannot exit either of these levels without a completely free, clear record within a given period of time?

Ms Wigley: Yes.

Mr Don Stewart: I would certainly favour a record completely clear, yes. I suppose there might be something, a minor infraction, a licence plate light out, this sort of thing. I don't think that should stop anyone, but certainly any record where they develop points.

Ms Wigley: Any moving violation.

Mr Turnbull: Points or where you've violated the terms of the graduated licensing.

Mr Don Stewart: Yes.

Mr Turnbull: For example, not being with an accompanying driver or something like that.

Ms Wigley: Right.

Mr Don Stewart: Certainly.

Mr Len Wood (Cochrane North): Thank you for

a good presentation. I apologize that I missed the first portion of it. A couple of questions: The first one, on the 400 series highways, having lived in northern Ontario for a large number of years, we don't have the luxury of having very many four-lane highways, or the 400 series. It's Highway 11 which travels right across. I've travelled on the 400 series and I've never seen a car coming at me in the wrong way, where on a two-lane highway it happens fairly regularly, where you have two cars squeeze sideways and let that person go through the middle, which to me is fairly dangerous, compared to—it doesn't happen on the 400 series. So that's questionable. I just wanted to know if you had any comments on that.

Ms Wigley: With the 400 series highways, even entering and exiting the highways are not that easy to deal with unless you've been properly trained in how to get on and off properly, so it takes a different kind of skill in using those. Certainly, up north you have a different kind of problem, but they are not easy to get on and off at times. You need the experience behind you in order to know how to deal with them.

Mr Wood: On the weekend they had a talk show on, and some of the comments from two different people that came out of that, discussing the graduated licences, the public hearings that are going on right now in preparation for draft legislation, were that there should be a maximum of no more than two passengers in the vehicle during stage 1 and stage 2 of the training process.

In most full-size cars there are six seatbelts, which would mean that six people could be in the car with a 16-year-old driving. These people could be of varying ages. I know you have to have a person who has four years' experience accompanying them. I just want to know if you had any comments on that, because like I say, it was a radio talk show and they were getting feedback from the people as to what further restrictions there should be.

Mr Don Stewart: I certainly don't argue with the concept and I suppose really it's a matter of trying to say what we feel is of the most benefit and perhaps being able to not make it as restrictive as we could. I think it really is a sawoff, and that probably makes it a hard point. Of course, if you follow that recommendation and do it and then something happens and there's a horrible example, you're going to feel dreadful, but I suppose that's really what it is. It's just trying to say, "There have to be some restrictions," but there has to be a limit to how much you can restrict people too, because at some point they also have to learn to drive with all that.

Mr Gary Wilson (Kingston and The Islands): Thank you very much for your presentation. In fact, it's the learning that I would like to look at now, because of course, as you know, experienced drivers are very

important in this scheme. I was just wondering what your opinion is of four years' driving experience being the necessary length of time. In other words, do you think that four years, remembering that those drivers can be as young as 20—we've heard at least one submission that suggests drivers of 20 can appear not to be that much more safe than drivers of a younger age. Have you thought about that, about how much experience? Of course, I'm also interested in whether you think the education of drivers is given enough emphasis in the scheme as it is now and the one that's being proposed.

Mr Don Stewart: I think the key is probably looking at it in terms of the minimum you can put in to get out, and that's a year and eight months, I suppose. That's not a lot of experience. The problems arise when—for instance, when my son was of such an age, when I was dealing with my son, he certainly didn't get the car more than once a week, so in an eight-month period under level 1, he'd be lucky if he was out 32 times, let's say, on the road, and not for a long time at that. That's not a lot of experience and that's a problem.

Unfortunately, or not necessarily unfortunately, we have to deal with the fact that we're dealing with all new drivers of all ages, but there is a large percentage of those drivers, which naturally is usually the younger drivers, who, when they get their licence, are going to be occasional drivers. I think we have to try to make sure that we cover enough time to pick those up, because in numbers they're probably the larger number of the group. How long is enough? I really don't know. I suppose a lot of that would depend on the person.

Ms Wigley: I think the weather situation in the province too and the time of year they start driving also has a bearing on it.

Mr Gary Wilson: What about the education courses, then? Are you satisfied with the standard of driver education that we have in the province?

Mr Don Stewart: I don't really know the percentage of people who do take it, but we know that we have a problem. That being the case, I would have to say no, I couldn't be happy with it. I think the main problem, especially with younger males, is once they get the licence, not getting the licence. The driver education happens while you're getting it. The problems start after someone has said: "Right, there you are, son. You're a driver." That's when the trouble starts and that's when the serious accidents happen.

Mr Gary Wilson: So you mean even once they're through what is proposed as the graduated licence process, we still have a problem.

Mr Don Stewart: I think certainly at level 2. Level 2 is at a time when you're more likely statistically to have the accidents. That's why we concentrated our suggestions on that level, because we think that's the serious level. It's a little like skiing, I suppose. When

you're actually dealing with the instructor at the top of the hill, things are all right. It's when you start to think you can do it that the legs get broken.

Ms Wigley: The whole training process I think is very important. I really don't think they realize that it's really a lethal weapon they're dealing with when they get behind the wheel of a car. It's not a toy any more; it's a lethal weapon and they have to respect that. I think the whole education process has to be strengthened to emphasize the privileges they've been given when they're allowed to drive.

Mr Gary Wilson: Would you like to see more emphasis on the educational aspect here?

Ms Wigley: Yes.

Mr Gary Wilson: But you really haven't given it that much thought, I guess. You don't have any proposal in your presentation as far as strengthening the educational component is concerned.

Ms Wigley: We did not deal with that aspect of it in here, no.

Mr Don Stewart: Currently there are financial incentives with your insurance premium for taking those courses, and they're substantial financial incentives.

Mr Gary Wilson: What are they? Is there an average?

Mr Don Stewart: If a brand-new licensed driver, he would be rated with one year accident-free. If he took a driver training course, he would be rated, with most companies, with three years accident-free, and that's probably a 40% saving. At young driver rates especially, that's a lot of money. That's every year. It just goes on and on as long as he's in that underage category.

Mr Gary Wilson: So there's a very strong incentive there now.

Ms Wigley: Yes.

1430

The Chair: There's about 30 seconds. I would like, with the indulgence of the committee, to ask one question. You probably have a lot of rural members of your association and I wonder what the feedback is from rural Ontario around these proposals, or what feedback you're getting from your member brokers who represent rural riders.

Ms Wigley: It's been positive.

Mr Don Stewart: I have not heard anyone connected with the insurance industry who has suggested that graduated licensing is a bad idea, and I think that's a very good thing because it's not really a self-interest matter; it's a matter of saving lives. I don't think I've heard anyone speak out against it, rural or otherwise.

The Chair: I thank both of you for taking the time to come here this afternoon and so effectively put forward the views of the association. Your views and your association's views are an important part of the

process and they play a valuable role in determining how this will unfold in its final shape.

Mr Domoney on a point of clarification for Mr Offer.

Mr Bob Domoney: With regard to your question, Mr Offer, about the penalties, the penalty proposed in the regulations for violation of a novice condition, either level 1 or level 2, is a 30-day suspension upon conviction. There is another penalty proposed in the regulations for conviction for moving violations. In the current system, a driver receives demerit points for various convictions and a fully licensed driver would receive a 30-day suspension upon obtaining 15 demerit points within a two-year period.

The regulations propose an earlier set of interventions for novice drivers, which are intended to attempt to improve their driving performance earlier than we would for regular drivers. They would be given a 90-day suspension at 12 demerit points. There are other interventions prior to that that could result in interviews or driver education courses recommended as a condition of licensing. The actual details, while they're proposed in the regulation, are still under consideration by ministry staff and are being worked out at this time.

There basically are two types of suspensions: a demerit point suspension of 90 days at 12 points, and an automatic suspension for violation of a level 1 or level 2 condition for 30 days.

Mr Offer: This is very important. Thank you for the information. For a person of 16 or 17 who is found with a 0.04 or whatever blood alcohol level—it's under 0.05 and it's surely under 0.08—is there not going to be anything more than a 30-day suspension? What type of penalty does an individual now get, found in the care and control of a vehicle and driving outside with any blood alcohol—they can't drink until they're 19. What is the penalty they now get?

Mr Domoney: Currently, there wouldn't be a penalty for under 0.05 under the Highway Traffic Act. There may be penalties under other legislation related to drinking, but I'm not familiar with that legislation.

Mr Offer: Is any consideration being given to putting a penalty on a person under 19 with alcohol in their blood and in the care and control of a vehicle, a penalty at least equal to an individual found blowing over the legal limit; in other words, a year suspension? How are you going to drive it home?

Mr Domoney: I'm not sure I can answer that question at this point.

Mr Offer: The question was, is there consideration now being given in the ministry to that type of penalty? You said there were still matters under consideration in the ministry.

Mr Domoney: The matters under consideration relate to demerit point interventions, not drinking interventions.

Mr Turnbull: Has consideration been given to

moving people down from level 2 to level 1 if there was such an intervention by the ministry?

Mr Domoney: Those options were considered in the original deliberations but they're not part of the current proposal.

The Chair: Thank you, Mr Domoney. While I'm at it, I'd like to welcome to the committee Ms Haeck, the member for St Catharines-Brock; Mr Jamison, the member for Norfolk; and Mr Lessard, the member for Windsor-Walkerville.

ONTARIO SAFETY LEAGUE

The Chair: Next is the Ontario Safety League.

Mr John Sharpe: I'm John Sharpe, president and general manager of the league and I'll be making the presentation. Hopefully, it will be about 11 to 12 minutes long.

Mr Ken Morgan: My name is Ken Morgan. I'm the supervising chief instructor for motorcycle training programs.

Mr Sharpe: The Ontario Safety League is a non-profit and charitable organization that has been actively and effectively promoting road safety for 80 years. Our motto is "Safety Through Education." To many, we're best known by our free Elmer the safety elephant programs which teach road safety to young school children. But we do much more than that.

We train the instructors for driving schools and for the transportation industry. We provide the quality control monitoring of driving schools that train the novice drivers, and we monitor motorcycle instructors at the community colleges. We also provide driver improvement training for experienced drivers.

Graduated licensing has been advocated for some time now. Throughout its evolution, the Ontario Safety League has remained supportive of the concept and applauds the efforts of MTO, IBC and TIRF to guide us to where we are today. In 1991, the league submitted our own graduated licensing proposal to MTO and we're pleased to see several of our recommendations incorporated in today's plan. Currently, another officer of the league and myself are members of the MTO-IBC advisory group developing the exit test for the graduated licensing.

Vehicle collisions continue to be the major social and medical problem here in Ontario. The situation is improving, but there remains much to be done. We are always looking for the solution, but of course there is no such thing. It's the accumulation of the many positive societal safety improvements such as increased seatbelt usage, less drinking and driving, better public awareness and enforcement campaigns, better trauma care, safer vehicles and better roads and signs that have made the difference.

The number one problem continues to be the person with the hands on the steering wheel: the driver. Of

course, there are two categories of drivers: the novice or new driver and the experienced driver. Many of the latter, over time, become less careful and more aggressive. The novice driver is at high risk because of a lack of experience.

Graduated licensing is designed to provide this experience and the Ontario Safety League is confident that it will work successfully here in Ontario.

Graduated licensing will save lives and reduce injuries. The league supports the early introduction of this legislation. We suspect that many others who have presented before you have also expressed similar sentiments. That's great and therefore there should be no problem. But there is a problem.

By now you no doubt have heard and recorded objections to almost every aspect of the plan. You will also have heard presentations that are clearly self-serving. From this, you might conclude that the legislation is faulty and should be either rejected or sent back to MTO for a complete rewrite. Please do not do that. It is much better to implement graduated licensing now and commence reducing collisions than to delay its introduction in the elusive and impossible task of making a perfect plan. Let us not kill this long-awaited and welcomed initiative by over-attention.

Having said that, I should now emphasize that the Ontario Safety League supports the plan as proposed without amendment and sit down. Unfortunately, I cannot.

We can accept the plan for class G drivers. We cannot accept the proposal for motorcyclists. We cannot because of the key role we play in motorcycle training and monitoring in Ontario. We have an obligation to the Minister of Transportation, to your committee and indeed to the general public to express our concerns and to propose a workable solution.

Regrettably, the planning for a motorcycle graduated licensing system has been an afterthought throughout the development stages. Given the preponderance of cars to motorcycles on our roads, this is not surprising. Nevertheless, it must be put right. Fortunately, there is a simple solution that should be agreeable to all concerned. Let me first explain the problem; then I will propose a solution.

For 20 years, the Ontario Safety League has provided the Canada Safety Council's motorcycle training program in Ontario. From Thunder Bay to Windsor to Ottawa, a total of 14 community colleges deliver league-monitored motorcycle training to novice riders. Each year, approximately 6,000 motorcyclists graduate from these programs.

1440

The training program consists of 15 hours of on-bike training and five hours of classroom instruction. The program is designed to teach potential motorcyclists the

correct and safe method of motorcycle operation.

The Canada Safety Council course is taught right across Canada, and indeed is highly regarded outside of Canada. All instructors are skilled motorcyclists and have been trained to teach the program. All are Canada Safety Council certified instructors. As mentioned, the Ontario Safety League monitors the instruction.

Motorcycles for the program are provided at no charge by member companies of the Motorcycle and Moped Industry Council, or MMIC, and I believe it made a presentation to you.

Since 1982, the Ministry of Transportation of Ontario, through its recognized/signing authority program, has recognized designated motorcycle instructors. These instructors teach the motorcycle course and then administer the ministry's motorcycle operator skills test at the community college training site upon completion of the training program. The wide availability of the training program and its reputation for administrative and instructional excellence has resulted in a broadly measured success. There are three significant successes of the program.

The first is the percentage of individuals taking training to obtain their motorcycle licence compared to the total number of motorcycle licences issued. MTO's 1991 statistics show that 66% of newly licensed motorcyclists voluntarily took and successfully completed the Canada Safety Council motorcycle training program. This compares with only 25% in 1986. In 1992, training registrations were higher than in 1991 and in 1993 our registrations exceed those of 1992. We are anticipating at this moment that three out of every four riders, or 75%, will have voluntarily taken professional motorcycle training to obtain their motorcycle licence in Ontario.

The second measure of success is the ability to attract young riders. In 1992, as part of a study conducted by Humber College's centre for transportation training, it was found that of 1,100 rider training students surveyed, novice motorcyclists between the age of 16 and 24 enrolled in training were heavily overrepresented compared with the licensed population in that age group. In other words, the training program is attracting exactly the age group most likely to be involved in accidents and collisions.

The third measure of success is the decline in the motorcycle accident rate between 1986 and 1992. Although there has been a reduction of 23% in the number of Ontario licensed motorcyclists, there has been a much larger concurrent decline in the number of fatalities and injury-producing accidents. Specifically, the number of fatal motorcycle accidents has dropped by an impressive 44%. Even more encouraging, the number of injury-producing motorcycle accidents has dropped by 54%.

As the percentage of riders engaged in professional training prior to operating a motorcycle has increased, the accident rate has declined. It is reasonable to conclude that training has had a positive impact on these figures.

All of this is very positive and I'm sure you would agree that forthcoming changes should be designed to assist and not hinder this most positive trend towards increased numbers of young novice motorcyclists seeking professional training.

Unfortunately, it is the league's belief that the graduated licensing plan for motorcyclists, as presently described, could result in a significant reduction in the number of novice riders seeking early training. This is so because the current legislation does not provide any encouragement to the novice motorcyclist to enroll in an early training program. Rather, the reduction of time spent at the second level of probation as a result of taking training is so modest as to be of little incentive. In any event, the training will simply be taken too late.

Study after study has shown that a motorcyclist is most at risk to accident involvement in the first six months of motorcycle operation. Consequently, the Ontario Safety League respectfully submits that the value of training and thus the incentive to be involved in training must be offered at the commencement of the rider's career.

To ensure novice riders are encouraged to take rider training prior to venturing on to the public roads and highways, the Ontario Safety League recommends the following five changes to the proposed draft legislation:

(1) The level 1 licence duration for a motorcyclist be extended to six months from two. The option for reduction to 60 days should be available for a rider who successfully completes a ministry approved rider training program.

(2) The level 2 licence for a motorcyclist be reduced from 22 months to a minimum period of 18 months. This then would ensure consistency with the class G licence total of 24 months.

(3) The level 1 exit test be the well-known and proven motorcycle operator's skill test II, or MOST II. This is the same test currently in use by all Canada Safety Council motorcycle training programs sponsors here in Ontario.

(4) The level 1 test be administered at ministry approved rider training sites following the successful completion of the Canada Safety Council motorcycle training program in accordance with common practice.

(5) Instructors, acting under the Ministry of Transportation's existing recognized/signing authority program, be authorized to conduct level 2 exit tests at approved training sites for applicants who qualify and wish to obtain a fully privileged motorcyclist licence.

The Ontario Safety League believes these recommen-

dations, if adopted, will continue to support the most welcome decline in motorcycle collisions. Motorcyclists are unable to benefit from an experienced rider at their side during the earliest driving experiences. Future legislation must continue to support incentives for early enrolment in professional ministry-approved rider training programs.

The Ontario Safety League stands ready to continue to lead the way in novice motorcycle training in Canada and to assist MTO in achieving its goal of having the safest roads in Canada.

Mr Turnbull: When you talk about the first six months as being the most accident-prone for motorbike riders, I'm reminded of a situation that I heard of in Switzerland where a young boy got a motorbike without the permission of his parents at the bare age that he could get the licence. On his way home from taking delivery of the motorbike, he had a rather nasty accident where part of the motorbike was sticking through his legs and they had to literally dismount the part from the motorbike and transport him to a hospital and take it out, and all he could do was scream, "Don't tell my parents."

The suggestion that you make of changing level 1 from two months to six months was explored last week. One of the counterarguments to that was the fact that unlike a class G licence, we're letting somebody go without any accompaniment, for obvious reasons, so the quicker we can get them through level 1 and get them to a test situation, to test for their proficiency, it was suggested, the better. Could you comment on that?

Mr Sharpe: I don't follow the logic. As you've got it right now, level 1 is two months and level 2 is 22. Nothing that person can do can shorten that 60-day period. We feel that if he's got six months riding under the penalties of level 1 and you say, however, "We will reduce six to two if you take professional driver training," we believe that will attract, as in fact is currently happening, the rider to go on day one, before they get their licence and take the training at a professional site.

Then they'll realize they're still going to drive 60 days under level 1. Even the MTO's current proposal provides that and ours doesn't change it. We're not reducing that level of restriction. We're just suggesting that by having six months at that level 1 and having this carrot of reduction of four months, we think that will attract students to go on day one and take the training and not leave it to some time after, whereas if the carrot is only at level 2, we feel there's not going to be that incentive in the first 60 days to take training. They'll leave it till level 2, but when in level 2? Well, some time before the 22 months are up to get the four-month credit. They could wait for 16 months before they say, "I might as well go take that course now to get that credit." It's too late. Training must come early.

Mr Turnbull: There was also a discussion last week as to whether—we're talking about G class licences, but I'll extend it to the discussion of M licences—we should perhaps have some compulsory component of training. You seem to be leaning in the direction that you'd like to incent people—shall we put it that way.

Mr Sharpe: It's always a very interesting point, Mr Turnbull. In the Ontario Safety League's opinion, 100% of new drivers of vehicles, 100% of new motorcycle riders should take professional training. The roads would be safer.

How to achieve that? Let's make the law state it. The concern with that is that you now have got too many people, we believe, taking that training for the wrong reason. They might go with the wrong attitude and be unwilling and fighting and resisting, whereas if you can, by some other means short of legislation, provide carrots to get people to voluntarily seek out that training, we feel you have a better, attentive student who will be more willing to learn positively.

Mr Turnbull: In the case of motorbikes, should we be considering a three-step licensing process so that we do have at least some road test after a shorter period of time—I'm thinking about the question, is it two months or is it six months?—and perhaps have some bonusing for taking driver education?

Mr Sharpe: You understand of course that when the student graduates from one of the 14 community colleges, they are taking a road test. But the ministry has extended that testing privilege to the motorcycle instructor rather than having to go to an MTO examiner and be tested. In fact, there is far more control at the community college than if you go to the examination centre. You know, "Drive your bike around the block and come back and see me."

Mr Turnbull: Because you further spoke about working with the MTO on exit testing, could you comment on our tests at the moment and where you think we should be going with both level 1 and level 2? Perhaps you want to comment on both motorbike and G class licensing.

Mr Sharpe: If I could handle the car, I'll let Mr Morgan perhaps deal with the bike.

As you know, we're ready to start phase 2 of the exit test, and I have to tell you that when I mentioned that the motorcycle is an afterthought, we see it consistently. We've seen it at the study group on exit testing. We see the Insurance Bureau of Canada—any group that comes and talks about it always deals with the car and doesn't mention the motorcycle.

However, in regard to the car, there could be many different methods of that level 2. Theoretically, it could be a simulator if you don't want to hire the staff facilities. I'm not suggesting that I'm a proponent of the simulator. My point is that if you go from simulator

down to a one-on-one situation, my personal view and that of the league is that we still have to have a one-on-one examiner and a student and a much more difficult test than is currently rendered at level 1. That is going to be expensive. Again, I'm not here trying to solve that problem. First, I think that's where you should be rather than some cheaper, simpler way of doing that.

On motorcycles, I'll let Mr Morgan respond.

Mr Turnbull: Just before you move on to the motorcycles, can you comment? Is there any model in the world for automobile testing that you would lean towards?

Mr Sharpe: No. In phase 1 of our study we looked at all testing systems in the world to see if there was a model that we could adopt that would acceptably meet the Ontario standard and in fact we found no model that met our requirements. We've stated what we felt all those components should be of testing. No one is doing it. The closest thing we found was a new truck test in the United States of America. Basically what we're trying to take is what we hold to be the most essential components of testing and to take the US truck testing model and try and bring them together. That's phase 2, which we hope you will start shortly.

Mr Turnbull: Could you perhaps provide this committee with a copy of your criteria for a test model?

Mr Sharpe: Yes, although the request really should go to MTO, because it really is its study. I'm just a member of that committee, but I'm sure they would be happy to provide that.

Mr Turnbull: Perhaps we could get that from MTO.

The Chair: The request is noted. Would you like Mr Morgan to respond to the motorcycle issue, Mr Turnbull? Then we'll have to move on.

Mr Morgan: The test which is currently in use at one MTO test centre in Ontario and all of the community colleges that are running programs is the motorcycle operator's skill test, which is being proposed as the level 1 test. Currently, there is no level 2 test available. There have been several tests tried over the years by the Ministry of Transportation and in several states in the US, none of which is acceptable.

This does present a conundrum at this time. Nobody has come up with a solution for that yet. Level 1, yes; level 2, no.

Mr Gary Wilson: Thank you very much for your presentation. I'm really interested in the safety issue and how that can be worked on through training. I was therefore very interested to hear about your comments about how, if you mandate training, you get unwilling students and, I guess, poorer in that way. However, without the mandate you are going to get people who are interested in any case, so it is to reach that group who are willing students and are therefore going to be less likely to pick up good driving habits on their own.

What about the mandating that everybody has to take a test? Is there any way of doing that to moderate the problems with it? There is the incentive through insurance, as we just heard from the previous people here.

Mr Sharpe: Currently with automobiles the incentive to take driver training—about 130,000 a year take it, by the way, 80,000 through Ontario Safety League approved driving schools and about 50,000 through the secondary school driver ed program. There are over 300,000 newly licensed drivers each year. Mind you, that's licences issued, which could be people just moving in with current drivers' licences.

About 130,000 novice drivers are voluntarily seeking out driver training, and one of the big incentives of course is the insurance discount. The gentleman before me addressed that issue. Other than the odd person who really believes it's going to help, but more correctly parents who know it will help their children, it's the insurance discount that's the primary incentive.

Next year, with graduated licensing—hopefully it will definitely be there—there will be two incentives: the insurance discount, which hopefully will not be removed, and graduated licensing to reduce the time of driving under restriction. Hopefully, they will attract larger numbers, so we'll get beyond the 130,000 figure. The motorcycle is much more positive. We're now at 75% of riders voluntarily seeking out this training: very positive.

Mr Gary Wilson: How many motorcycle licences are granted?

Mr Morgan: For 1991, which are the most recent numbers available, it's just under 10,000—9,000 and change—and right now we're training around 70% of those people through a voluntary program.

Mr Gary Wilson: So are you suggesting that the changes you'd like to see really wouldn't amount to much change in what's happening already?

Mr Morgan: We just wish to reinforce that rider training has been successful and that there is an incentive there now and we would like that incentive to remain. Clearly, if we look at the numbers between just 1986 and 1991, which is a five-year span, there has been a dramatic increase. It also addresses the 16 to 24 age group which is heavily over-represented. It has become the method of choice to obtain a motorcycle operator's permit, via a training program. Fifteen years ago that was not the case.

Mr Sharpe: It's not expensive. You're looking at less than \$300, because the bikes are provided in a professional setting by professionals. It's working. The program is fine.

Mr Mike Cooper (Kitchener-Wilmot): Just to let you know, I am a graduate of the Conestoga College course and I was on this committee last week. The first recommendation you have in here states, "The level 1

licence duration for a motorcyclist be extended to six months from two months." What would prevent somebody from getting it for six months and then next year going and reapplying and getting it for another six months and never moving out of level 1? That's one of the problems with extending it for six months, because usually the riding season is about six months. Somebody may just stay in level 1 for ever under your recommendation of the six-month extension, rather than two months.

Mr Morgan: If I understand correctly, the legislation as proposed is essentially no different from what is in place now, that being that you go and write a fairly simple test and you can continue to write that in perpetuity. The existing legislation and the proposed legislation, as I understand it, doesn't change that. Whether it's six months or two months, somebody can just go and do a written test and never do a skills test.

1500

Mr Hans Daigeler (Nepean): Thank you for an excellent presentation. I think you are making some very good recommendations that hopefully the ministry will take under careful consideration. I think especially the idea of reducing the period of level 1 by taking the course is a good idea and I do hope that goes somewhere.

You mentioned that you're involved in the training of our driving instructors. I think that whole area of our driving schools and our driving instructors is another area of concern. I think we've heard several times in these hearings that there doesn't seem to be enough regulation, I guess, and training for driving instructors. Apparently, there is a very limited type of qualification that you have in order to be a driving instructor. I'm wondering what your suggestions are to look at that area. How can we improve the driving school system in this province, and how are you involved in that yourself?

Mr Sharpe: We're off subject, but I'll gladly handle this question. Obviously, any system, any teaching method can be improved. There's always room for improvement and we always look for ways, but I can tell you this: I've done an analysis of all the driver teaching programs in all provinces and territories in Canada, and there's not a close second to Ontario in the quality of education being offered.

In some of your provinces, they don't even mandate a driving instructor. Anybody who wants to be a driving instructor just becomes a driving instructor. There are no standards. In many provinces, they don't differentiate between car instructor and classroom instructor. With the league's involvement, we've now built a whole second tier of classroom teaching. We don't let anybody become classroom—you can't teach 20 people until you've taken the Ontario Safety League one-month course to prepare you for classroom teaching.

Mr Daigeler: I was just going to ask you, what is the requirement right now?

Mr Sharpe: The requirement right now is MTO standard. They must take a one-month, in-car instructor's course, very clearly laid out, and we're the principal deliverer of that program, although community colleges also may teach it. It's very clear and they have very good standards. We go beyond that. We insist that they be in-car instructors for one year. Then if they come back and want to be classroom teachers, and they are going to deal with more than just one student, there's an additional month: one week of technique instruction and three weeks of teaching skills for the classroom driving instructor. There is not a province, again, that prepares driving instructors to the extent that we are prepared in this province.

It's not perfect, but we are trying to continue to improve it. We have a revalidation program to bring the classroom teacher back to the classroom for revalidation.

Mr Offer: I very much appreciated your presentation. I think the points you make in terms of upping the level 1 from two months to six months are founded in some really commonsense approach dictated by your experience. I hope that in the short days this committee has left in dealing with this matter, we can hear from the to why it wouldn't accept this type of proposal. It seems that it tries, as best it can, to almost mirror the driver in the class G type of scenario. I think it does all the right things and it goes along the right route.

My question is around the zero blood alcohol level, and I brought this up the last time I asked a question. A lot of these young drivers are under 19. By law they must have a zero blood alcohol level, so to say that in level 1 a person under 19 has to have a zero blood alcohol level is really almost restating the existing law.

Would you be in favour of a penalty for drivers who are in the level 1 category and have a percentage of blood alcohol level, 0.05 or something of that nature, to have their privileges suspended for one year? Basically, obviously, if we are found as fully licensed drivers with a 0.08 and over, we suffer a penalty of one year if found guilty. Why shouldn't somebody who can't have anything and has something not suffer a similar penalty? I'd like to get your thoughts on that.

Mr Sharpe: I heard your question to the previous person sitting in this chair. Of course, if a novice driver goes and blows 0.08 the penalty's the same. I think the problem MTO has is that anything below 0.08—the law is 0.08—you're down below and so they're trying to establish some new scale of punishment, administrative penalties which Mr Domoney was explaining to you. That's why I think they got themselves into the situation. Because the alcohol content is less, the penalty really must be less. I think that's the problem they're going to have with trying to penalize somebody with

less than 0.08, with the punishment as if he had 0.08 or higher. I think you are automatically going to have a lower punishment.

Mrs Caplan: I think the concern is that anyone under the age of 19 shouldn't have any blood alcohol level, so would it be possible to penalize if there was any trace? They are drinking illegally and driving a vehicle.

Mr Sharpe: I don't know if I can say any more. I haven't given a lot of thought to this. I'm sorry.

The Chair: Thank you, gentlemen, for appearing. You have provoked some interesting dialogue. We appreciate your taking the time to come down and leave your views with the committee.

Mr Gary Wilson: Mr Chair, if I may just correct one small thing in the appendix, I'm pretty sure that should read "St Lawrence College" against Kingston.

Mr Morgan: No, it should not. Durham College, through an arrangement with St Lawrence College, operates the program in Kingston. St Lawrence declined to continue its involvement.

Mr Gary Wilson: I see. Okay, thank you.

AL MAJAUSKAS

Mr Al Majauskas: My name is Al Majauskas. First, I'd like to thank the committee for the opportunity to make the presentation. I am a private citizen, a professional driving instructor and a parent.

Saving lives is the bottom line of graduated licensing, but the bottom line has been erased. The way graduated licensing is being presented today, the promise of saving lives is lost for the following reasons: Level 2 has too few restrictions and level 1 has no provision for mandatory driver training through an accredited school.

Let's look at the first area, being that level 2 has too few restrictions. As you're aware, the proposed restrictions are that the level 2 driver must have zero blood alcohol content, can carry passengers equalling available seat belts and can drive class G vehicles only. In practical terms, the only incentive to graduate from level 2 would be to be able to drink and drive. Otherwise, there is no difference from the present system. A new driver would be able to fill the car up with five friends and take off in their class G family car wherever they please. The only restriction that's different is zero blood alcohol level, and while I'm pleased at this very positive move, it's the only real restriction proposed under graduated licensing.

Without minimizing the alcohol factor in traffic fatalities, it is not the only factor. Lack of experience, too many distractions in the car and many other factors contribute to new driver fatalities, but none are addressed in the latest proposal. Graduated licensing is supposed to address all factors and force new drivers to restrict their driving to safer conditions. Under the present proposal, a new driver would be unrestricted and

enjoy most of the risks of a fully licensed driver.

According to government statistics, the 16 to 19 age group represents almost half of all new drivers. The 16 to 24 age group represents almost one quarter of all fatalities, although it comprises 14% of all licensed drivers. Clearly, if any group of new drivers needs to be restricted during the first few years of obtaining their licences, it is this group.

It is a tragedy that it has taken this long to identify and admit that something needs to be done. Surely the opportunity has arrived with graduated licensing, yet the proposed level 2 does nothing of the sort. It is my feeling that more restrictions are needed at this level to ensure that all new drivers acquire more experience before graduating with full driving privileges, but it is especially important in the 16 to 24 age group.

I heard a radio report recently that certain experts were making arguments that the restrictions should be scaled down, that they're too tough. The arguments went on to suggest that if restrictions were made too tough, new drivers, namely, teenagers, would choose to delay level 2 by completely avoiding driving. Missing the benefit of level 2 and the necessary experience, they would take the road test and receive full driving privileges.

This argument assumes that it would be possible to pass a road test with no driving experience, which should not be possible. It also assumes that the general public presently supports a graduated system with fewer restrictions. In fact, polls show there is broad general support by all age groups for more restrictions.

1510

I'd like to meet those teenagers the experts are talking about. Imagine this scenario: "Thanks anyway, Dad, but I won't be needing the car for the next 12 months. I'm not putting up with all those stupid restrictions." Not very likely. Just as fully licensed drivers are limited by the Highway Traffic Act, new drivers will accept and conform to restrictions imposed by graduated licensing, and parents will have the backing of the law.

To continue, the original proposed restrictions for level 2 address the problems associated with new drivers, but it was watered down under pressure from isolated groups and individuals. It goes as follows: curfew from midnight to 5 am; zero blood alcohol; no passengers unless accompanied by a minimum four-year licensed driver; refrain from 400 series and multilane urban expressways; display a sign in the rear window that says "New Driver." How is the original proposal better? It addresses the problems associated with new drivers in the 16 to 24 age group. That is:

(1) A curfew: This limits the new driver from driving during the period when bars close, parties end, when normal fatigue sets in etc. Many fatalities occur late at night and the curfew simply reduces the number of

young, inexperienced and immature drivers on the road. It's a pure numbers game in part. You can't get into trouble if you aren't on the road.

(2) Zero blood alcohol level: This is indisputable and is obviously a must. At any hour of the day, the last thing a new driver needs is further impairment during the steepest part of their learning curve.

(3) No passengers: This restriction would eliminate the peer pressure young drivers face during this period of their lives. The urge to please a friend, to show off, to compete is enormous, almost irresistible. The miracle is that there aren't more fatalities than we presently have. As each of us knows from personal experience, some of the things we did when we were teenagers can make you shudder today. That's why handing over the keys to the family car can be such a gut-wrenching experience the first few years, and then dreading the late-night phone calls until they're home safe. How many sons and daughters are killed every year as passengers of a new driver? How many of the parents tried and failed to convince their kids to stay out of a new driver's car, but failed because presently it's legal? New drivers can carry as many passengers as they wish.

Our own son used to drive to hang out with a friend who was bent on what to us seemed like suicide. His driving was so reckless it even scared our son. But because there was nothing illegal about driving with a new driver, this friend would fill his car with pals and off they'd go. Luckily, they always came home in one piece, but what we wouldn't have done for some sort of law that would have restricted this fellow from being able to have friends in his car for the first couple of years as a new driver.

No passengers totally eliminates peer pressure. It limits the number of fatalities and injuries by virtue of the reduced number of people in the car instead of the multiple fatalities that take place each year in Ontario. Just this morning, I heard on the radio about a 19-year-old driver involved in a crash, all his passengers being between 15 and 18. Luckily, all survived, but it illustrates how serious this problem is. New drivers out driving alone would be more apt to be responsible and simply present less risk to themselves and other motorists. With no distractions, they can concentrate on the task of driving.

(4) Expressways: Most accidents take place at inter-sections, driving off curves or even straights on two-lane paved and secondary roads. Expressways are the safest way to travel, and restricting their use would deprive new drivers of the experience to learn how to use them properly. I don't believe expressways or 400-series highways should be included on the list of restrictions.

(5) "New Driver" sign in the rear window: A standard sign displayed in the rear window should be part of the requirements of both levels. It would alert other

motorists of the new driver's status and allow police to monitor the new driver's behaviour without the need to actually stop them. Trucking companies do this more often now as a way of keeping their drivers on the level: a "How is my driving?" sign with a company phone number on the back. Countries such as Britain require a special L plate attached to the front and rear bumpers of any car used by a new driver until a full licence is acquired.

Yes, some drivers may remove the sign and take their chances, but the penalty for doing so would discourage this. Suggesting that anything more than a tiny minority of new drivers would abuse a sign requirement would be a bit of a stretch. Most people are law-abiding and would comply with the rules.

I would ask the critics opposed to displaying a sign for their reasons why. Presently, we label handicapped drivers. Transport vehicles must display a sign describing hazardous goods. Vehicles of every description have signs describing their business, with company names, phone numbers etc. What is so terrible about a sign in the back window that would simply let other motorists know that this person is a new driver?

The second point I'd like to talk about is mandatory driver training at level 1. We expect that anyone learning a new skill should take special training under controlled conditions with a carefully prepared program. We retrain workers for new careers. People go to night school. It costs money and it takes time, but in the end new skills are learned and employers have a reasonable expectation of what that worker will be able to do when presented with a certificate of completion.

We have schools for every imaginable task and people enrol to capacity because it provides certain guarantees. It helps us get jobs. It helps us become competent in a particular field. It helps us keep the job. It builds a solid foundation for future learning in that area. It's a basic premise in our society. We accept it and it's expected. We take courses to shoot guns, to fly planes, to learn computers, to swim, academics and so on.

Yet to this day we can apply for a driving permit, take some basic lessons from mom or dad or a friend, drive to the store a few times and maybe drive to the cottage, and within weeks set up a road test, pass, and bang, instant motorist. And it's legal. Without a single minute of instruction on driving skills by a trained and qualified instructor, anyone can, with a bit of effort, obtain their licence, mix in with traffic, operate a ton and a half of machinery and hope that nothing untoward happens.

That's basically it. It's hasn't changed since motorcars were invented, and we've been killing ourselves ever since.

A compulsory driver training course would provide

each new driver with at least minimum knowledge and skill. Many companies require their drivers to take upgrades. They know it pays off. Reluctant employees soon realize what they didn't know and become excellent, safe drivers. Company records prove it's worth the cost. Airlines require constant retraining and upgrades. They know skills get rusty; even highly trained professionals. What do these organizations know that we in the general motoring public don't know?

If even just 5% fewer deaths occurred, or about 200 lives, each year because of mandatory driver training, would it be worth it? Think of the friend who lost a loved one. What would they say?

Insurance companies recognize the value of driver training and give discounts to new drivers who complete the standard 10 hours of in-car and 25 hours of in-class instruction through an accredited school.

Mandatory driver training at level 1 should be a basic requirement and the level 1 period could be shortened to a standard eight months instead of the 12 months presently proposed without training.

For comparison, I've included some information on New Zealand's recent experience with graduated licensing. Listed below are data on traffic fatalities in New Zealand, broken down by age group, from 1989 to 1991. As the table shows, a 30% decline in fatalities occurred in the 15 to 19 age bracket in 1991 compared to 1989.

There are figures showing motor vehicle fatalities among the general population. A decline of 3.8 fatalities per 100,000 occurred in 1991 compared to the previous four-year average, coinciding with graduated licensing. Both tables show a decline that takes place immediately after graduated licensing is implemented.

Outlined below is a summary of restrictions in the New Zealand graduated system. At level 1, all applicants are required to meet the following: eye test; written test, must pass 23 out of 25 and 4 out of 5 on specific questions; oral test, must pass 4 out of 5; must have less than 0.03 blood alcohol level; a 20-year-old, two-year-licensed driver must be present at all times; a six-month minimum period before eligible to take level 2 or three months if attending driver training.

1520

At level 2, applicants must have less than 0.03 blood alcohol; no passengers without a 20-year-old, two-year-licensed driver; no night driving, 10 pm to 5 am, without a 20-year-old, two-year-licensed driver; 18 month period must elapse before full licensing can take place, which is reduced to 9 months if defensive or advanced driver training taken.

Finally, I'd like to summarize the main points of my presentation.

At level 1, as proposed by the ministry, it reads as follows: You must be at least 16 years of age and be

medically fit. You must pass a vision test. You must pass the written test. You must maintain zero blood alcohol. You must be accompanied by a fully licensed driver of at least four years' experience who has a class G licence and less than 0.05% blood alcohol. You must display a sign that says "New Driver." You must drive class G vehicles only. You must pass a road test before proceeding to level 2.

I would like to see the following restrictions added to level 1: (1) You must complete driver training by a qualified instructor at an accredited school within the level 1 period. (2) Refrain from driving from 10 pm to 5 am. (3) No passengers except one fully licensed driver with at least four years' experience. (4) Level 1 would last eight months.

At level 2, as proposed by the ministry, it says maintain zero blood alcohol; drive class G vehicle only; limit the number of passengers carried to the number of seatbelts; and after completing minimum 12 months, must take an advanced, real world road test, focusing on hazardous situations, avoidance and defensive driving.

The following are changes I would like to see made at level 2: (1) Curfew from 10 pm to 5 am; (2) Must display a sign that reads "New driver." This last restriction would be added and would replace the corresponding proposed restriction that permits passengers, that being, no passengers except for licensed drivers at least 20 years of age and four years' experience. That would be it.

We all agree that a graduated licensing system is long overdue. I've tried to add value and meaning to the points that were already proposed to make graduated licensing effective and lasting, one that will carry us far into the future generations of new drivers. Ladies and gentlemen, thank you very much. This concludes my presentation.

The Chair: Thank you. Mr Wilson, you've got about three minutes.

Mr Gary Wilson: I'd like to share two with Mr Wood.

The Chair: Remind yourself of that, then, Mr Wilson.

Mr Gary Wilson: Yes, will do. Thanks very much, Mr Majauskas, for your presentation.

I'd like to ask you about the mandatory driving. First of all, have you had experience with the driving test; that is, with that kind of driving instruction?

Mr Majauskas: The driving instruction or driving test?

Mr Gary Wilson: Sorry, the driving instruction. You called for mandatory—

Mr Majauskas: Yes.

Mr Gary Wilson: What's your experience with that?

Mr Majauskas: With driving instruction as it stands right now? I'm not sure how you mean.

Mr Gary Wilson: For instance, you're not an instructor yourself.

Mr Majauskas: Yes, I am.

Mr Gary Wilson: Oh, you are an instructor.

Mr Majauskas: Yes.

Mr Gary Wilson: I see.

Mr Majauskas: It's not a self-serving presentation. I only mentioned that as an aside. It's not meant to be a self-serving statement.

Mr Gary Wilson: Sure. I'm glad to have an instructor here. We've been told that you've got to have some road instruction to be an instructor and then you have classroom as well if you want to do more. Which level are you at?

Mr Majauskas: I'm what you would call a level 1 instructor, I guess. There isn't a designation as such. I don't teach classroom yet, but I am a fully qualified driving instructor.

Mr Gary Wilson: Have you any idea what your students' driving record is like after they graduate?

Mr Majauskas: We don't keep records ourselves. We do know that in our own particular school we do surveys once in a while, and it seems to be acceptable. We do hear about the odd nick, but we haven't heard of anything that would worry us. However, it's not a scientific survey by any stretch.

Mr Gary Wilson: What's the cost?

Mr Majauskas: Our course would be \$500.

Mr Gary Wilson: What does that get you?

Mr Majauskas: Typically, they range from \$200 to \$500. That's for an insurance program that qualifies you for the 40% discount that insurance companies give on average.

Mr Gary Wilson: You mean the higher rate qualifies you for the insurance?

Mr Majauskas: It depends on the school. As long as you take 10 hours of actual driving and 25 hours in class instruction at an accredited school, you qualify for a discount. You get a certificate, which is all that's required for the Insurance Brokers Association of Ontario.

Mr Wood: I noticed that on expressways, your feeling is that the 400 series are probably safer than some of the other terrain highways.

Mr Majauskas: Yes.

Mr Wood: I want you to comment on that. Previous presenters are saying that one of the reasons that they feel they should be excluded from drivers who are learning was that when they're merging on to the 400 series or exiting—there are only the three different speed limits on the highways, I guess, depending on

where you are. They're either 80 kilometres, 90 kilometres or 100 kilometres, and I just want to know if you want to elaborate more on that.

I made the comment to the previous presenters that being from the north, when I'm travelling the 400 series highways, I don't see anybody coming at me in the wrong direction. I know it has happened. People have made a U-turn and caused accidents. In the north, that happens pretty well on a regular basis. Somebody's trying to get around a transport and boom, all of a sudden you're making room for three vehicles on there. I just wondered if you wanted to elaborate more on your feelings on that.

Mr Majauskas: Our school experience shows that, first of all, expressway driving is not one of the lower priorities but it's one of the easier things to teach. The hardest thing to teach is urban-type driving: intersections, lane changes, traffic turns, residential driving. We are able to advance to expressway driving very easily once we've taught everything else. Once you teach lane-changing, traffic turns and basic manoeuvres, expressways are very easy. In fact, we stress it about to the level of parking and three-point turns. To us, you can learn just as much by driving on minor collectors such as Ellesmere Road, for example.

There's a lot of fear about driving on expressways. When we get our students on the first day, they ask us, "Are you going to take us on an expressway?" We usually tell them, "No, but we're going to be driving a lot around in the city, and once we get on the expressway, you're going to find that it's a lot easier."

The fear is there, but after about six or seven hours of driving, when we take them out, invariably they will tell us that the expressway driving was very easy and that the experience is extremely relaxing compared to driving in residential areas where you have a lot of parked cars and a lot of complicated manoeuvres at traffic intersections. The hardest thing to teach is traffic turns and lane changes. Those are very time-consuming. Very few have any trouble at all whatsoever on expressways. So I would keep that off.

1530

Mr Daigeler: Thank you very much for coming as an individual to make a presentation. Obviously, most of the presenters who are coming represent various groups and it's always nice to see individuals make the effort to come here.

I appreciate the position you're coming from. You want to significantly strengthen this proposal here. I have some sympathy with what you're saying. It's difficult to argue. This could possibly save even more lives, so I do think you make a good point. At the same time, we're moving here almost from no restrictions to pretty well making it impossible for a young person to drive, or making it very, very tough. I guess the ministry's approach is a graduated approach, which I think

has something to be argued for as well.

When you were talking about the way you're teaching the young people, you were referring to the technical difficulties. You were saying that on the 400 highways, it's really relaxing, whereas it's much more complicated in the city traffic. But what worries me most is that it's not just that you have to learn the technique, but you have to learn the responsibility.

It worries me somewhat when you say it's relaxing on the 401. That's why the ministry perhaps is saying they shouldn't be allowed on the 401 or on the 400s, because the speed is so high and they may be relaxing and then all of a sudden something happens and the accident then is very serious.

Frankly, I was of your view at the beginning of the hearings, and I've become more convinced that perhaps it is a good idea to restrict the driving on the 400s because of the nature of the accidents. There may be fewer accidents, but if there are accidents, they're usually very serious.

How do we teach young people to be responsible? We can teach them technique, but it's that responsibility. You're saying that simply by limiting the number of people in the car would be one way. Well, it's one way, but it's pretty draconian, of course.

Mr Majauskas: But it works. It works in New Zealand.

I think the focus has to be on the young group. The older people of course are going to be affected, and there are regions that have problems with it as well. I think the whole idea behind the graduated is to restrict the kids, especially the young males, who have a lot of pressure to perform. Whether they're in a car or whether they're not in a car, the pressure to perform in all different sorts of ways is there.

The restrictions simply prevent a lot of the situations where they're forced to perform from taking place: (a) You eliminate the friends from the car; (b) You eliminate them from those times late at night. Do they have to be on the road? Does a 16-year-old have to be out after 10 o'clock in a car when there's a lot of other people who are drinking and a lot of friends are coming from parties and so on? By restricting times, by restricting the number of people in the car, you eliminate a lot of the reasons they are having problems on the road and getting involved in fatal accidents.

My feeling is that driver training at level 1 provides them with some basic abilities and skills. The restrictions limit the amount of time they could be on the road during the times that cause the most fatalities. It's been proven to work. If there's a better way, I'd like to hear about it, but so far New Zealand and some states that have used restrictions have found that the fatalities went down dramatically overnight.

A 30% drop for us would be tremendous in terms of

fatalities. It's the only thing we have to work with. If you take away those restrictions, you take away the effectiveness of the system. That's why I feel so strongly about them.

Mr Turnbull: On your consideration of changing the curfew hours from midnight to 5, to 10 to 5, I take it that's principally because of the question of pubs turning out around midnight and more drink—

Mr Majauskas: There's the Friday and Saturday night problem with groups of teenagers; the alcohol factor and the parties is a real serious problem. In my experience I do get young teenagers and their conversation often turns to the aspect of peer pressure. The anecdotes you hear would shock you: "My friends got drunk. They were drunk. I was the only sober one and I had to drive home. I haven't even got a license." These are not bragging stories; they're truthful stories. These kids have a license, they go get drunk and they drive home. They take their chances.

Mr Turnbull: Yes. I'm not disagreeing with you that these things happen, although certainly statistics suggest that today we have a much lower incidence, fortunately, of kids driving with alcohol in them than we had 20 years ago.

One of the very few objections to graduated licenses that we've had expressed here is the concern for rural residents who have no transportation service available to them. I would put it to you that if we were to change it to a 10 pm curfew, this would potentially cause a serious hardship for those people who live in those rural areas, in northern Ontario particularly, and perhaps would encourage people to just simply drive illegally.

Mr Majauskas: It's obviously a problem and we did talk about that very problem. The exceptions for shift workers and the people in rural areas obviously have to be addressed in some kind of way that would allow them to get to and from their activities.

I think that if a 16-year-old has to go home from a basketball game at 10 o'clock at night or 11 o'clock at night and load his younger friends in the car and then go home along Concession 10 in the middle of winter, that is a questionable idea for any parent. I think parents want to have the legal backing of the law to say: "No, I'm sorry, you can't do that. You can't borrow the car. You can't be home past 10 and you can't have any people in your car." I think every parent would sleep a lot better if they knew that Sally isn't going to climb into the car like that.

It does affect a minority of people in the country. My own son lives in the country and I know I'm more concerned about driving out there in the rural conditions than in the urban areas because of the open nature of the kind of driving they do there. It's wide-open spaces and so on.

As a parent of a 15-year-old clamouring for his 16th

birthday, I'm very happy to see that we'll have the backing that he will never climb into a new driver's car unless he's 20 years old. He's also not going to be allowed, hopefully, to be out driving after a certain hour. He'll not be piling his friends into his car, borrowing our car for that purpose.

You have to weigh the positive and the impact it would have against the real concerns of these people who are saying, "Yes, it's a problem logistically," but I think the parents are going to have to get up, take their nightclothes off and get into the car and drive the kids home.

Mr Turnbull: Turning to your suggestion of mandatory driver education, once again there is the cost factor that is raised and, as well as that, the availability of this in some of the more remote areas of the province. Perhaps you could comment on that.

Mr Majauskas: Again, I don't mean to sound as if this is a self-serving presentation on my part, but the cost factor is also something we talked about. It's a real problem. I think that again it's a cost, like anything else, that we have to bear, and whether we have programs or grants to assist people who have a problem, I don't know. But look at it in another way. The insurance discounts that will come from this will pay for—there's an income tax deduction on the parent's salary as well as the discount. On \$2,000, 40% more than covers the cost.

The insurance discount, the safety factor, the reduced likelihood of a claim against the insurance on the family car and so on I think far outweigh the \$500 cost. If a parent or a child is willing to pay \$3,000 or \$4,000 for a car and \$2,000 for insurance, then I think \$500 is a small price to pay.

Mr Turnbull: Just explain that income tax credit for the parents again.

Mr Majauskas: The fee is actually deductible off their income tax. It's actually completely deductible.

Mr Turnbull: You've just made one parent very happy now that you've told me about that. Thank you.

Mr Majauskas: Make sure you get your receipt.

The Chair: Mr Majauskas, thank you. Your views are important to the committee and they've played a valuable role in the process. We trust that you'll stay in touch with the committee through the clerk, any member of this committee or indeed any MPP, and we thank you for dropping in and presenting your views today.

1540

TORONTO BOARD OF EDUCATION

The Chair: The next scheduled witness is the Toronto Board of Education. I don't know whether we have the whole board or representatives of the board. I would assume representatives of the board.

Mr Ron Kendall: First of all, I'd like to thank the

committee for taking us at short notice. We found out about the committee about two weeks ago during some discussion and thought it was important that we appear. At very short notice you took us and we appreciate that.

My name is Ron Kendall. I'm the supervising principal for continuing education for the Toronto Board of Education. One of the responsibilities of my department, apart from night school, summer school and a variety of other programs, is driver education. Our board feels very strongly about driver education and we thought we should come and make a presentation about driver education to you.

Mr Dan Keegan: I'm Dan Keegan. I'm a driver education teacher with the Toronto Board of Education.

Ms Fara Ladhani: My name is Fara Ladhani. I'm a representative of City Driving School who is working with the Toronto board currently in implementing a driver education course.

Mr Kendall: There is a document I passed out to you which has not been made especially for you put rather is passed out to all students or parents who are interested in the course. It describes the course the way we have set it up. The reason I asked Fara to come with us is that we consider ourselves partners with the firm Fara represents, City Driving.

Essentially, what we do, and I'm not sure if you've gone into this before or not, is that we have a driver education program which is 30 hours of in-class instruction taught by instructors who may or may not be Ontario teacher's certificate teachers but certainly do have a driver education in-class instruction card. Then we have 30 hours of in-car instruction, 10 of which is behind the wheel. The way that is set up is that there are three youngsters put in each car. One has a turn behind the wheel while the other two sit in the back seat and watch.

That's the nature of our program. It has changed a little bit this year. Primarily, I'm here to describe what we do and to make an offer to you. It's up to you whether you accept it or not. Essentially, we're concerned with the type of curriculum that is in driver education. We have a course outline and we do offer that, but we understand that with the new type of graduated licensing, perhaps more is in order.

We teach from a document that is produced by the Ministry of Transportation called Roadworthy. That is where we get our basic outline. We're concerned that perhaps that should be reviewed in light of the new process you're talking about, and also that perhaps we should be looking at another driver course, perhaps call it driver education 2, which you may want to consider coming in after one has reached the level 2 part of the program you're talking about.

What we'd like to do is make the offer to you that the Toronto board, with its expertise, is represented not

only by the two individuals on either side of me but by a number of in-class instructors and a number of in-car instructors working with Fara, who would be pleased to share their expertise with any smaller group that would be interested in taking a look at the curriculum and conducting a review of it as such. That is our sole purpose really in being here.

My superintendent, Dr Beggs, is aware of our presence here today. I should describe to you the Toronto board's commitment to driver education. We feel pretty strongly about it. Last spring, we received notification that the Ministry of Education would no longer be financing the in-class portion of the driver education program. My understanding is that a number of boards then decided that they would not have driver education, starting in the summer or for ever after.

I felt strongly and so did my immediate boss, Superintendent Beggs, and we've worked out a situation where we still charge the same amount to a student for the City Driving component, which is \$235.40. We reckoned what it costs for our in-class instructor, and figuring on a class of 15, came up with another charge of \$60. Now the total charge, and you can see that on the blue sheet, is approximately \$312. We are still offering the course. That course in its present form, starting this fall, is not costing the taxpayers of Toronto one penny. It is completely self-operating except for my time involved in the course.

Again, I emphasize the offer from the Toronto Board of Education, and I would not be surprised, if a few other boards were approached, if they too would be interested in participating in some curriculum review and perhaps putting a new course forward for the after level 2 section. That's all I have to say.

Mr Daigeler: Thank you for coming before the committee and offering your cooperation. I'm sure the ministry will be glad to follow up on that. I'm serious about this. I think they will, because obviously with the level 2 examination there will be changes to their curriculum. We haven't really seen any details on it. I understand they're working with various people on developing the tests, and of course with the test comes the curriculum, so I certainly do expect that the ministry will be involving you, anybody else who is knowledgeable, and those, obviously, who will be providing the training to make sure that they know what's required and generally improve our training system.

I want to ask you, though, you were here when the previous presentation was made, and we have heard the argument several times that this really isn't tough enough, that this isn't much of a graduated licensing system and that really, once you're in level 2, which could happen after eight months, you're more or less scot-free. How do you see that? You're involved with a lot of young people. Do you feel that if we were really to disallow any passengers other than the driver

or somebody—I think the last one said somebody who's at least 20 years of age and has so much driving experience—would that really encourage our young people to break the law? How do you see that?

Mr Kendall: One comment: We have about 750 youngsters a year in our driver education programs. We have that many.

In answer to your question, my personal opinion: I also am a parent of two driving daughters. Quite frankly, I think if there are three or more in a car, there is a problem. I personally—and I speak not as a professional driver education instructor; my job is in administration—cannot see the difficulty in having another person or two in the car. I think where the problem—

Mr Daigeler: You don't see that as too difficult?

Mr Kendall: I don't, no. I think where the problem arises is where there is a gang in the car, and by a gang I mean a gang, five or six or seven, illegally, but they do it. I think that's when the driver can become distracted and perhaps react to peer pressure more. If there are very few youngsters in the car, I don't think it has the same chance of happening. That's a personal opinion.

Mr Daigeler: Just one quick one before I pass it on to Mrs Caplan: I'm sure your board is involved in—what is it called?—PRIDE, that program against alcohol.

Mr Kendall: Yes, PRIDE; not my particular department.

Mr Daigeler: PRIDE. That's what I thought. Have they continued to be involved? The funding has been cut back on that as well. Is the board promoting something in that regard itself?

Mr Kendall: My understanding is that it is more of a school-centred rather than a board-centred program.

Perhaps I could make a response. Somebody made another comment about the idea that having designated drivers is really coming along very well. In my experience with young people and my own family, I've noticed that it is true. Young people are very, very cognizant of the dangers of alcohol, and when they go out, there is a designated driver before they go and that person doesn't drink. I really have to give it to young people that they do stick by that, much more than when I was that age.

1550

Mrs Caplan: I agree with your previous comments. I think young teenagers today are very aware, that we've done an excellent job as far as education is concerned. Certainly, the young people I've had contact with are very responsible about designating the designated driver.

The question I have is: Your courses are available to anyone over the age of 16, whether they're a full-time student in the schools or not. Is that true?

Mr Kendall: Our courses at the present time are available to students with the Toronto Board of Education only, not students from Scarborough nor adults. Because of when they are run, which is after regular school—they usually start at about 3:30 in the afternoon and go on till 5:30 or 6—it makes it very easy to run a program like that. If we opened it to other people, we'd have more difficulty.

Mrs Caplan: Does the Toronto Board of Education have a significant size adult education program, new immigrants and so forth, who would qualify for instruction in your classes?

Mr Kendall: Yes, we have. The total number, for example, of English-as-a-second-language programming would be at about 80,000 per year.

Mrs Caplan: I know that having access to these kinds of programs is very important, particularly for new immigrants who come to Ontario. My riding is a large immigrant reception centre. I know there's a lot of concern about the impact of graduated licensing on new immigrants who have licences from other countries but want to be able to upgrade those skills to meet Ontario standards. As far as you're concerned, at this point in time you don't know of any program through the boards of education that would respond to that need?

Mr Kendall: The only other program that I know of besides ours that we're involved in does not deal with folks who have recently come to the country; rather, it deals with seniors. There is an upgrading course for seniors who I guess get nervous before they have to take the course again when they reach the age of 80, so there's a program such as that which is available.

One concern that I have, if I could mention it to you, is the time limitation. My understanding, and you can correct me if I'm wrong, is that the implementation of this could be as soon as the end of next June. We run a summer program, and we need some lead time. It would be appreciated, if you did decide to take advantage of the expertise that is here, if you would let us know some time ahead of time.

Mr Turnbull: Ron, it's good to see you again. Given the relative unanimity among all parties, I think you can take it as read that this legislation will be enforced next year. So I think you can go ahead and plan on it.

Mr Kendall: Good.

Mr Turnbull: My question would be: From your experience as an educator, aside from the cost factors, if we were to try and have compulsory driver education, would that have a detrimental effect in terms of how people would receive education, as opposed to making it something which people can avail themselves of?

Mr Kendall: I don't think it would. We have mandatory education and I don't think it's detrimental. I don't think it would be with driver education. It could

be a headache to administer because every youngster who wanted to get a licence would have to take that course. But my reading is that an awful lot of kids are into it now. Of course, the carrot, if I can call it that, is that right now the insurance is substantially less for a youngster who has taken driver education than for one who has not taken driver education. That also encourages parents, who usually are the ones who are paying for the insurance.

Mr Turnbull: Could you comment on the course curriculum? When I learned to drive in England, I have to say it was a lot harder to get a licence in England than it is today in Canada. Have you looked at any other models of driver education, and where do you think we should be going with driver education?

Mr Kendall: Could I pass that over to Dan Keegan? He has done some research on this.

I think that in England there isn't any classroom teaching involved. In England, you go with an approved instructor and you go through that process. The road test is very difficult, so you have to take a certain number of lessons.

Here, we try to cover everything a driver might ever need to know in 30 hours in the classroom. We go through everything, from the responsibilities of driving to control of the car, traffic rules and regulations, highway driving, freeway driving, winter driving, insurance, everything.

I think that's out of date. I don't think it's possible. There's a huge boredom factor unless you're an outstanding teacher, and even if you are, at 3:30 to 6:30 there's the fatigue factor setting in. I don't think we should be using the same type of curriculum under graduated licensing.

Mr Turnbull: What should we be doing?

Mr Keegan: What I would see and what I hear more and more of the experts talking about is a beginner's curriculum where you learn basics and there would be in-car and classroom involved. Then at some later stage there would be the opportunity for the more mature driver to become involved in discussion format programs where they would be able to clarify their values or go through some process that would improve their attitudes. They would be able to consult with one another on what their values were. There would be some guidance from a skilled counsellor.

Mr Turnbull: Would you see benefit, if there was any violation of the terms of graduated licensing, if in level 2 people violated those, that they would be demoted down to level 1 again?

Mr Keegan: Yes, I think that sounds like it would be a good idea. One thing I've noticed in listening to the various presenters is that there hasn't been much mention of education as a factor. It has all been problems with flexibility and a lot about rural drivers and so

on. I would ask: Why not solve those problems with educational modules, if you like? If somebody needs to drive sooner in the countryside or needs to drive unaccompanied, why not offer them the option of taking an educational pathway?

Mr Turnbull: Of course, with graduated licences, to the extent that you take an approved education course, you can get through level 1, which most of the people see as a stumbling block because they need an accompanying driver, in eight months as opposed to a year, so that time incentive is built in at the moment. Is there enough of an incentive?

Mr Keegan: I don't think there is. If somebody doesn't want to take it or pay for it, I think the only thing that would save driver education programs that we offer now would be the insurance discounts.

Mr Turnbull: So you would like to see the insurance companies be more aggressive in terms of incentivizing people to take driver education.

Mr Keegan: I think more incentives would be very valuable.

Mr Gary Wilson: I'd like to continue this line of questioning. I wrote down "750 involved in the program." Is that what you said?

Mr Kendall: That's 750 over a year, yes.

Mr Gary Wilson: Over a year. How many is that out of the potential number who could enrol?

Mr Kendall: I don't know what the total number would be—well, I can give you a count of all the youngsters in the Toronto board. It would be those who were able to apply for their licence and—

Mr Gary Wilson: That strikes me as a bit low, though. Does it seem to you that you're getting all you would expect?

Mr Kendall: No, we're not, and there are a number of youngsters who take the program with private institutions.

Mr Cameron Jackson (Burlington South): Free enterprise is not so bad.

Mr Gary Wilson: Well, I don't know. We'd have to get the record, and the price might be different too. Do you know what the—

Mr Jackson: We are subsidizing the schools.

Mr Kendall: No, sir, you're not.

Mr Jackson: Who pays for the vehicles?

Mr Kendall: It is \$335. City Driving pays for the vehicles. They're not ours.

Mr Jackson: Well, recently you've changed.

Interjections.

Mr Gary Wilson: For his edification, I think he should know what's happening, so I don't mind.

Mr Kendall: I've been there for three years and the driving school has always paid for its own vehicles.

Mr Gary Wilson: Right. Of course, the cost is a major factor, but let's go right to the issue of mandatory. Would you like to see it made mandatory for all the students?

Mr Kendall: The driver education program?

Mr Gary Wilson: Yes, the driver education program.

Mr Kendall: I have to say yes, some type of driver education program.

Mr Gary Wilson: The question of motivation was raised by an earlier presenter, saying that if you have to force people into it, you would have problems with the kind of instruction and it won't be as good. Do you think that's a major consideration?

Mr Kendall: No, not any more than the regular courses in the high school program that we have today. The youngsters are forced to go to school, and some of the courses they like and some of them they don't. I would think, as a youngster, that I would myself really like a driver education course. It would be a lot more fun than some others I can think of.

1600

Mr Gary Wilson: Oh, we won't get into that. I want to check about the standards that are applied for teachers of driving instruction. Do you think that they're high enough, that their education, their courses for the instructors are rigorous enough?

Mr Kendall: My understanding—Dan, correct me if I'm wrong—is that there is a four- or six-week course given at York University in the summer. It provides you with a certificate for teaching in-class driver education. Now, I cannot comment at all about the courses for in-car instructors.

Mr Keegan: The teachers in the high school system had to take that York University course, but that's changed now. You don't have to be a certified teacher to teach the high school. You can actually get those programs now through community colleges. York University would be one alternative, and the community colleges or the Ontario Safety League.

Mr Kendall: What about in-car instructors, Fara?

Ms Ladhani: They have courses through the community colleges as well as the Ontario Safety League. It's not four to six weeks; usually they can do it in a couple of weeks. Sometimes they have crash course, things where it's like every day for a week. Personally, I wouldn't mind seeing maybe a more rigorous course for them to take.

The in-class teachers we have are not bachelors of arts or whatever; however, they have to have a minimum number of in-car instruction experience. I believe it's 1200 hours. There's a minimum number before they can even go on to take the in-class instructor's course to be able to teach in the classroom. There are minimum requirements, but there's room to have more. But it is

sufficient right now with the current courses that we have going.

Mr Gary Wilson: Is there any requirement to update your training too?

Ms Ladhani: Our in-class teachers actually have to go through an update every two years with the Ontario Safety League. Currently, the Ontario Safety League doesn't have anything for in-car instructors, but it is available, I think, if they want to go back on their own accord to improve their own skills. Our in-class teachers do have to take a refresher course every two years.

Mr Gary Wilson: Do you think there's any problem with making the education mandatory?

Ms Ladhani: Personally, no. I think it's a good thing. I remember, when I was taking my driver's ed course, that it did help enormously. I know a lot of attitudes haven't been that way, but I think they are changing. A lot of the students who come into our classes privately at City Driving School, come out and then even voice their opinions—they put them in writing—that they're much better for taking the course. They recommend it to all their friends, their families. I think making the course mandatory would be an idea. I don't know if it would be the first thing to do once graduated licensing came in. It might be something further down the road, once everyone adjusts to the graduated licensing system after it's implemented.

The Chair: Thank you for appearing. Your offer to assist in developing new curriculum if it's required has been noted and acknowledged. Seated behind you in the audience are two Ministry of Transportation officials, Mr Domoney and Mr Levine, who were taking notes fast and furiously as you made your presentation. You may wish to speak to them before you leave.

DAVID STEWART

The Chair: Next is Mr David Stewart. Good afternoon, and welcome. You have been with us in the audience, I think, from the start of these hearings. I'm pleased to see you here presenting this afternoon. I think you probably know all there is to know about presenting to this committee, so just proceed at your leisure.

Mr David Stewart: I also know you have a tight time schedule as far as going to airports to go up to Ottawa is concerned, so I will be quick. I do talk fairly quickly, so maybe I'll talk even more quickly today.

Good afternoon. My name is David Stewart. I'm here as a citizen of the province of Ontario.

Mr Chairman, honourable members of the standing committee, I'd like to thank you for the opportunity to be here today to present this brief to you. Although it has my personal name on it, I firmly believe that many of the views expressed are similar to those of thousands of individuals across the province, many of whom I have had the pleasure to talk with at road safety events over the past decade.

This brief will focus more on motorcycle licensing, and that will be self-explanatory. I have listened for the last three days of these hearings to the many interesting presentations made, including the one led by the MMIC on behalf of some motorcycle organizations and also the one this afternoon by the Ontario Safety League. Included with my brief is a copy of a new report that deals in depth with fatal motorcycle collisions in Ontario, together with six written submissions gathered from members of the motorcycle public in Ontario.

Similar to some of the people who have testified here, I too had parents who imposed their own graduated licensing system on me when I started to drive. I certainly consider myself lucky to have been taught car driving by an excellent instructor who also encouraged me to further my goals after passing the basic road test by applying for an advanced test. With extra instruction and after one year of experience on the roads, I was able to pass that extremely difficult test. All of the instruction and practical driving I have done since then has not stopped me from being involved in some collisions in many years of driving, but it has helped me to avoid countless other potential collisions.

I have been a driver and a motorcycle rider since I was 16, I have taught car driving and motorcycle riding and I was a licensed motorcycle riding examiner in the province of Ontario. I have raced, and I still race, believe it or not, both cars and motorcycles. I am still active in promoting the use of speed of a motorcycle in the proper place. For several years now, I have been considered an expert in relation to motorcycle collisions and have testified in courts and coroners' inquests on the subject.

On average, I spend about 30 hours a week spending volunteer time to promote safety and I've met an awful lot of interesting people over that more than a decade now, many of whom have testified before you.

I've written several papers on motorcycle safety and I'm a member of those organizations that are included in the brief. I was a founding member of the Motorcycle Rider Safety Council. I am glad to say that I have now left them to find their own way, and hopefully they will keep surviving out there.

The annual loss of life on our roads has become an acceptable social disease to many. Few major incentives have been undertaken to reform our ability to obtain drivers' licences, get training, and improve testing procedures and incentives to upgrade our driving skills after obtaining a licence. The proposed graduated licensing system is, I believe, the one incentive that will be seen in the near future to have been the most beneficial action ever undertaken, even ahead of design technology, that will save lives on our highways.

I implore you not to delay. Bring in a system by the spring of 1994 and keep improving it as time goes on. This is one area where you have the support of the

majority of the general public. Responsible parents need this legislation to reinforce their views to their children. All parents need the legislation to keep their children as safe as possible while they gain experience using our roads.

During this past year, I was named as the chair of a new national road safety committee for the Canadian Motorcycle Association. However, similar to many things in safety, due to the lack of enthusiasm of its members the committee has yet to formally sit. However, in March of this year I was able to complete a study on behalf of the Canadian Motorcycle Association that dealt with fatal motorcycle collisions in the province. This was a first of its kind in the province.

I do not want to bore you with too many facts of recurring problems of motorcycle-related deaths. However, if you can cast your eyes to the Ontario map on the wall there, you will see many green dots. Each of these was the loss of at least one human life as a result of a motorcycle crash on our highways during 1989. Again, I must re-emphasize exactly what Dr James Young said, that each one of these human lives is important. It was a loss of a life but it affected many other people. Most of these deaths occurred in southern Ontario, as you can see from the map.

In the report presented to you there are many facts, including those on page 6, where there's reference to the higher death rate of motorcycle riders, and we heard that before, compared to other road users, and the numbers of motorcycles on our roads.

The motorcycle market has been in a depression since the mid-1980s. Contrary to the suggestion by Mr Robert Ramsay of the MMIC—and again this afternoon by the Ontario Safety League; different figures—that a 49.2% reduction in motorcycle fatalities was achieved by rider training in community colleges, I respectfully suggest that this was probably due more to the greater reduction in sales and the use of motorcycles on our roads.

1610

Motorcycle sales increased greatly from the 1970s through to the 1980s, when the North American market was inundated with larger and more powerful motorcycles. With this increase, there also came an increase in motorcycle deaths, due partly to the many people taking up motorcycling at that time in the same way as a child would pick up a toy and play with it for a while. They got into motorcycling without too much thought. Unfortunately, many of these people did not learn that these toys can be dangerous, and we recorded their deaths one after another.

Provincial governments did try to react to rising motorcycle deaths in the 1980s, and in fact in 1985 it was people within the rider training establishments and the motorcycle industry who stopped progressive efforts by that government at that time that could have reduced fatalities.

Most motorcycle deaths occur in the peak summer months and at weekends, as you'll see in the report. On page 11, you will see that the age profiles of riders being killed are shifting from the younger rider to riders aged between 20 and 24. That is also due to the demographics of the people entering motorcycling at this present date and time, until the market changes. If this market changes and we get cheap motorcycles on the road, I guarantee you will see the same deaths as you saw climbing in the late 1970s and into the early 1980s. Most of these riders who were killed and shown in this report owned their own motorcycles.

In the everyday collisions on our roads, motorcycle riders are only to blame for 40% of the collisions. That's every day, where you have a little fall, have a little collision, and 40% of the time the motorcycle rider is at fault. You will never stop all collisions. You can stop fatal collisions and you should stop them, because when it comes to motorcycle riders, the motorcycle riders themselves, people like me in some ways are to blame for 70% of those deaths to themselves.

When you talk about excessive speeds and engine size of the motorcycles, you may be aware of a study completed by Dr Herb Simpson of the Traffic Injury Research Foundation of Canada. That was paid for by the industry. Dr Herb Simpson could find no conclusive proof worldwide that larger motorcycles were over-involved in crashes. I applaud Dr Simpson's efforts over the years to introduce graduated licensing, and he's the one who wants to see new road users gradually exposed to traffic.

Dr Simpson has stated that he likes reassurance when he is being flown in an airplane, that he likes to know the pilot has a proper licence to fly that plane. Why then would we want a system that allows a motorcycle rider to be able to start riding on our highways on any size of motorcycle after taking only a basic vision and road knowledge test? To hundreds of people I've come in contact with, including some motorcycle dealers themselves, it just seems that common sense dictates that an inexperienced rider should not have easy access to extremely fast motorcycles, unless of course they can show proficiency in their use.

The very serious problem of alcohol abuse by motorcycle riders is covered in detail in the report. With balance, coordination and judgement being primary factors for riding safely, it seems ludicrous that alcohol has the prominence that is seen in these deaths. Motorcycle riders have, however, for years led the way to be more likely to be involved in drinking and driving and becoming a fatality. I've heard many times, unfortunately, that some people have said that riders usually kill themselves, so no great effort should be made for their safety. It's not just the attitudes of motorcycle riders we have to change within society.

In a survey of 404 people conducted at a police

motorcycle safety display in a 1988 motorcycle show in Toronto, 55% of those people said that the BAC, blood alcohol concentration, should be lower for motorcycle riders than car drivers and 75% said that the present motorcycle licensing system at that time was inadequate. It hasn't changed; the system is still the same. In response to problems seen regarding unlicensed riders, 60% of these respondents said that motorcycle sales should be made only to licensed riders. As I said, these replies came primarily from motorcycle riders themselves at this show.

When I am asked by parents whose children want to learn to ride a motorcycle, I advise them at the beginning learning on a dirt bike. Then they can progress to learning on a straight motorcycle in a closed road situation, similar to the Canada Safety Council or Ontario Safety League course, before going out on the roadway.

On the subject of what size of a motorcycle to buy, I've always advised someone with less than two years of experience to consider a bike of no more than 400 cc's. Modern technology gives these motorcycles enough power of acceleration and power of stopping to give that rush of adrenalin for new people coming on to the highway on motorcycles. Then after two years, if they want that bigger bike, go out and get one, provided you take another training course, preferably now with instruction on the responsible use of speed included.

I have no major objections to the proposed module being presented by the ministry. However, I'd like to put forward these following suggestions.

Upon motorcycle riders passing the basic road test in level 1, lift the restriction of prohibited highways but keep the 60-day minimum time frame. That's in response to people saying earlier in the hearings about they want an incentive there.

Achieve a method whereby actual road experience and not purely time is shown to exit from one level to another. I know there may be problems. I don't have the solution. I have concerns that contrary to views expressed by other briefs to this committee, many drivers-riders may wait out time periods, and to allow for that occurring, we should make sure that the testing procedures are of a high standard. I've even heard employers saying, "If we have to wait for a certain time period, we'll find him another job in the meantime where he's not driving."

Where a person holds a full licence, a driver-rider with in excess of nine points should revert back to level 2.

If convicted of a speeding offence on a motorcycle, a rider should be counselled to take a speed-training course.

For any drinking-driving offence on a motorcycle, the rider's vehicle permit should be suspended and the

licence plate returned to the ministry until that person undergoes medical assessment.

The early intervention of the present probationary system of six points should be kept in effect in conjunction with the new graduated system.

Motorcycle riders presently have to wait for up to three months at the beginning of each year to get a community college course. You've heard two briefs from two people of importance as to why they see it going to six months. I suggest to you that this may be one of your answers, why it won't go up to—people out there have a problem at the beginning of the year. You can get a motorcycle training course at the end of the year in two weeks, three weeks. At the beginning of the year, you can wait two to three months because of a lack of availability. Under the control of the ministry, there could be promotion for the opening of other vehicle training establishments, apart from the now Ontario Safety League.

Introduce provincial legislation whereby 50 milligrams is the maximum BAC permitted in Ontario for any driver of a motor vehicle and adopt it as a condition of being granted a driver's licence. Violating the conditions of a driver's licence at the moment is a \$90 out-of-court settlement. I believe that introducing this as a condition can greatly assist road safety, and it can also help law enforcement of the federal drinking-driving laws.

Promotion or incentive from the Insurance Bureau of Canada for drivers to take professional training at skid schools and advanced car and motorcycle training schools that we have here in Ontario, many of which are the finest in the world. In fact, we have one that is the only one in the world.

Police officers on the street should have computer access to the temporary driver's licence history of new drivers. That is still not in effect and has been asked for in previous coroners' juries' recommendations.

Temporary licences should not be renewable without the exams and an interview by a Ministry of Transportation officer as to why a time extension by way of a new temporary licence is required. The present system where you can just go in and get one after another should terminate now.

Only one qualified driver should be in the front seat with a G level 1. Also, no distractions allowed. I have seen the use of car phones, even by driving instructors while they're training somebody on the roadway, and other possible items of distraction: loud radios. Take my son's car stereo for example.

Speeding convictions of up to 15 kilometres an hour over the speed limit should have a minimum of two points.

All moving violations should have at least two demerit points. If you have ever seen the court systems,

you will see paralegal firms now wheeling and dealing to make sure that person gets no points by changing one offence to another. I suggest that can be stopped by bringing these two sections in.

If a car test is taken on an automatic gearbox, the driver should be licensed only for that type of car.

If a basic motorcycle road test is performed on a motorcycle of less than 400 cc, then the restriction should be in place until the rider passes the advanced in-traffic road test. This will include all present motorcycle training courses where small-displacement, 125 cc, dual purpose machines are most frequently used, the machines supplied by the industry to the motorcycle training centres in Ontario. This may also match up with standards apparently to be implemented by the European Community where new riders will probably be restricted to 400 cc for a first machine and there will be an overall ban on street motorcycles which are in excess of 100 bhp.

1620

To allow for easier identification of the motorcycle, all motorcycle licence plates should be larger and/or reflective.

Vehicle markers should be displayed for all class M level 1 until the basic road test is completed.

The motorcycle operator skill test should be taken by a rider wanting to ride on the highway and not attending a motorcycle rider training course. Before a new rider gets a chance to go on the road, he should be given a test.

In agreement with the Canadian Automobile Association, people who don't really know that much about motorcycles, with all due respect to them, I agree that the basic road test for class M level 2 should be an in-traffic test, not an off-road enclosed away from the real world.

If the motorcycle advisory committee which has been asked for was to be implemented, there should be representation from the general riding population, the vast majority of whom are not members of any club. There are only about 4% of our total population that are actually club members in Ontario. Most people are just individual motorcycle riders.

Standards for driving instructors and the driving tests are far too low and should be improved.

Included with my brief are the replies received by the Canadian Motorcycle Association to a request we made in a national motorcycle magazine to all riders to send their suggestions regarding graduated licensing. There were only six replies from Ontario. That's bad, but in other requests for different information, there was only maybe one letter or two, so we thought we were great getting six replies. These are included in this brief. You can see from those that they suggest testing on bikes that were being used by them and not borrowed. In

other words, people were borrowing motorcycles to go to the testing centres and then going off on their own bikes, which were totally different. Do real-world training, not off-traffic, engine size restrictions for new riders and lower blood alcohol concentration.

The May proclamation ceremony that was held in Queen's Park on motorcycle safety that I attended again this year showed the usual apathy of even motorcycle riders, people who profess an awful lot, and you've heard and seen many briefs dealing with motorcycles, more so maybe in percentage to car drivers. The only time any number of riders got together was to go to the insurance board hearings a few years ago when about 200 showed up to protest what was happening with insurance.

In my research since 1976, many coroners' court recommendations have been implemented; however, nothing has been done to date regarding in-traffic testing, and also for police to have computer access for temporary licence details of road users.

Some briefs have included the request that collisions should be included as a factor in exiting various levels. The new collision reporting centres that are operating now in Toronto, in most cases, people going to those centres to report collisions do not get charged. This means there is presently discrimination against many drivers who do not live in areas where these new facilities exist and are unfortunate enough to be involved in a minor collision.

There is no training course, not even the MOST that you've heard so much about, that shows conclusive proof of lower collision rates for their graduates. However, the courses do give them the skills required to perform driving tests. What generally happens, you will find, is that most people drive with 95% of their skills that they've been taught, no matter the level of training, so if they go for more skills, the automatic thing is people say, "Oh, I can do that much there," and they don't allow themselves a balance.

Community colleges make substantial profits through rider training, in part due to the contribution by the MMIC of free use of small, dual purpose motorcycles. Courses should be affordable. Rider training fees have increased each year and if the demand for training continues, each college will keep putting up its prices to the point that only those fortunate to have lots of money will take the course, and generally these people are not those who are found in the fatality profile. Even in this time of restraint, there was no shortage of applicants for courses, as you've heard, and some Canadian colleges were even looking to expand their schools into the USA when there is a need for expansion here to accommodate riders throughout the province.

When this legislation is passed, the government will be giving a golden handshake to its community colleges and other commercial training establishments to train

drivers. I hope that all of these establishments put some of this money back into road safety and that they also keep the costs to a level where everyone in the province can afford to be taught to use our roads proficiently.

The Chair: Questions, Mr Jackson.

Mr Jackson: No, I don't have any at the moment. I want to thank Mr Stewart, and Hansard should show that there are actually three briefs he's tabled with us at this time, one which I'm just now trying to get through, Fatal Motorcycle Collisions in the Province of Ontario, your analysis, so I just want to thank you for your presentation. Give me time to absorb the second brief.

Mr Cooper: As we discussed earlier with the Ontario Safety League about the six months rather than the two months that are being proposed, how would you solve this? One of the problems is that when you try to harmonize it with the G licence, when you're talking about the two-year period, if you reduce it back, what you may end up with is a winter period where people are going for their motorcycle licence, to get an exit from level 2, and there's probably not too much incentive. It's quite a difficulty how you would set this up to give incentive, first of all, to take the course, because if you went to six months, there's not much incentive. You could ride for six months, take the test the next time and ride for six months, year after year. What's your solution here for time?

Mr David Stewart: One of the things I've asked for is, do not allow repeat licences to be issued without having a basic road test. I hope that would stop it.

I think you also have to remember, as you're well aware, that riding a motorcycle and driving a car are two totally different skills. One is far more demanding than the other, and it's not the car driving. The profile that I have seen in all the research that I've done for over 15 years of research now is that there is a high-risk person out there who goes into motorcycle riding who has certain characteristics. Some of these may be able to be caught by the new testing systems that are being explored now by the Traffic Injury Research Foundation and other agencies.

Certainly, a lot of these riders are getting involved in the first six months. In other words, as soon as they get out on to the roads with a motorcycle, they're becoming a target waiting for a fatality to happen. I would hope that we can capture those. I don't honestly think we should allow easy access for someone to get a motorcycle and get out on the roads and play with the traffic. They virtually play chicken with the traffic.

Mr Cooper: I know when I got my licence, I had bought my bike first, before I went for the course. I was actually riding to the course. I noticed a number of women who were in the course especially, they're more noticeable, where they had never even touched a bike, and the amount they progressed from the course. They

were quite confident going out. But a lot of my friends just went and got the bikes and didn't take any course and they were quite weak on the road.

I know that in one of the proposals, you're saying it's 0.05% for motorcycle riding. So you want a dual standard for drinking, for blood alcohol?

Mr David Stewart: Zero BAC.

Mr Cooper: Zero BAC across the board for everybody?

Mr David Stewart: Zero BAC the whole way. As far as motorcycles are concerned, zero BAC. It has to be for two wheels, because of the balance coordination judgement. With cars, you're sitting there, you've got four wheels. Sure, you need the same skills, but do you need as many? Maybe not. As you can understand maybe from my accent, I'm a little bit Irish, so I've got no problem with having a drink. I can tolerate up to 0.05%, which is a worldwide accepted tolerance for impaired driving in a car. However, when you talk of two wheels, it has to be a zero BAC.

Mr Cooper: I know when I took the course, they really highly stressed the blood alcohol because of the balance thing and the awareness.

Mr David Stewart: You'll see from the statistics there that for these riders who get these motorcycles, the BAC is way out of all proportion. Most of them are way above the legal limit and most of them, again, are even higher than that.

Mr Cooper: Basically, you're saying that we have a mandatory course before you're allowed to ride.

Mr David Stewart: I don't think you have to have a mandatory course, but encouragement for people to take courses away from the traffic, first of all, off-road, in dirt, whatever. There's one manufacturer at the moment who has that type of facility within easy access to Toronto, so there's a place for someone to learn in an off-road capacity there.

We have OSL-Canada Safety Council courses where now you can take those skills and come down to an enclosed, safe area where you can learn to ride a street motorcycle on pavement. Once you've mastered that, then you can go out and have your 60-day out on the road; at that 60-day, then road test at that point again, in traffic this time. So a road test after taking the off-road, enclosed pavement course, similar to the CSC, and then out into the traffic, maximum 60- to 90-day period, and you have to take an in-traffic course.

Mr Cooper: The graduated cc's, has that proven to be effective in places like England?

Mr David Stewart: There's no conclusive proof in the world, as was found by Dr Herb Simpson. That doesn't mean to say that there weren't areas and countries where they found proof that it did help. What generally was found was that it relocated the problem. In other words, instead of getting a 750 cc bike, they

then dropped it down to 400. The profile of the person didn't change, just the machine. So we used the speed on the machine. The technology now, of course, is you can kill yourself at 160 kilometres an hour the same as you can do at 260, which is the technology we have for new riders to go on the roads with.

Mr Daigeler: Thank you for your concern for the safety you want, which has been evident for many years, according to your brief. Even though perhaps not as many people are interested in it as you would like, I think it's extremely important that people such as you who are motorcycle fans are promoting the cause among their peers. Perhaps that's my first question: Why does it seem to be so difficult to get through to the motorcycle fans? How are you trying to spread the message among your friends?

Mr David Stewart: A lot of people get into motorcycling with the attitude that was found in the 1980s, that it was just a toy that you can lift up and drop down, the same as Ski-Dooing. We see each year the fatalities with Ski-Dooing. There's a different attitude with snowmobile users. They've got a major club in Ontario. They talk safety among themselves.

Motorcycle riders are more individuals, as I explained there. They're not group people per se. Only about 4% of motorcycle riders in Ontario actually belong to some form of club and take part and interact, talking about safety. Most motorcycle riders just get out, jump on to a machine, go and have a ride, come back and that's it. They generally only do it for about three or four months a year. There are very few really hard, dedicated motorcycle riders out there, and I'm sure Mr Cooper probably is one of those people who rides more than just three months of the year.

Mr Daigeler: So it's, I guess, very difficult.

Mr David Stewart: It's an uphill struggle. I know the ministry, certainly at the time in 1985, wanted to do things. Two of the key players at that time who were supposed to be looking after people's safety wanted nothing to do with the incentives the government was putting forward at that time.

Mr Daigeler: Actually, that was going to be my next question: Do you know what those restrictions were at the time?

Mr David Stewart: I was part of the hearings at that time. It was probably one of the first major meetings I had between MTO and other key players. Until that time, I was on the sidelines. We talked about engine size and we talked about mandatory training. The riders' establishment, CSC-OSL, didn't want it because they said: "We only have volunteer people who come on

weekends and it's not a high-paying job for them. We couldn't afford to do a course if we were to take on full-time people. That's why we don't want mandatory training."

Engine size restrictions were before MMIC commissioned TIRF to do the studies, but at that time the industry said, "No, no, no." At that time, from 1982 onwards, virtually every motorcycle in a dealership was more than 500 cc. Generally, they were round about 700 cc. If you wanted to buy a small cc-size bike to be introduced into it, in the mid-1980s there just wasn't one available. Markets now have changed.

Mr Daigeler: I think the way you analysed this is very interesting. You also made another observation that I appreciated. You cast into doubt the explanation of the reduction in motorcycle accidents. Earlier it was said that probably the increased driver education had something to do with the reduction, and you say no, it's probably the increase in motorcycle sales.

Mr David Stewart: I'm not saying conclusively. I'm suggesting there may be something else.

Mr Daigeler: Yes, I understand that. Perhaps someone from the ministry might help us at a later date, whether the increased sales were taken into account in the analysis of the accident figures or not, whether these are just raw data that we got or whether there is sort of a per-thousand on the road type of thing and whether that has in fact declined over the last 10 years.

Mr David Stewart: Even the major study carried out by Dr Harry Hurt in California, which was really in-depth, could find not enough exposure data, in other words, how many miles each person or each motorcycle of each size was out on the roadway. Without that, there is no conclusive proof. Nobody can put actual facts on the table.

The Chair: Mr Stewart, thank you for appearing. I would like to acknowledge the fact that you've heard every presentation to the committee, certainly while we've been here in Toronto, and haven't missed one.

Mr David Stewart: Unfortunately, I can't join you in Ottawa; otherwise I would.

The Chair: I would have to say that it certainly demonstrates to me a real, sincere interest in the issue. In the event that you can't make it to Ottawa, you can certainly stay in touch with the committee through the clerk and obtain Hansard of the hearings in Ottawa. I'd like to thank you on behalf of the entire committee for being here this afternoon.

The committee is adjourned until 10 am tomorrow at the Delta Hotel in Ottawa.

The committee adjourned at 1635.

CONTENTS

Monday 13 September 1993

Graduated licensing	R-363
Insurance Brokers Association of Ontario	R-363
Diane Wigley, member	
Don Stewart, manager	
Ontario Safety League	R-368
John Sharpe, president and general manager	
Ken Morgan, supervising chief instructor, Canada Safety Council motorcycle training program	
Al Majauskas	R-373
Toronto Board of Education	R-378
Ron Kendall, director, driver education	
Dan Keegan, driver education teacher	
Fara Ladhani, driver education consultant	
David Stewart	R-382

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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***Wood, Len (Cochrane North/-Nord ND)**

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Caplan, Elinor (Oriole L) for Mr Conway

Dadamo, George (Windsor-Sandwich ND) for Mr Waters

Daigeler, Hans (Nepean L) for Mrs Fawcett

Haeck, Christel (St Catharines-Brock ND) for Ms Murdock

Jackson, Cameron (Burlington South/-Sud PC) for Mr Jordan

Jamison, Norm (Norfolk ND) for Mr Cooper

Lessard, Wayne (Windsor-Walkerville ND) for Mr Klopp

Also taking part / Autres participants et participantes:

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Clerk / Greffière: Manikel, Tannis

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Tuesday 14 September 1993

Journal des débats (Hansard)

Mardi 14 septembre 1993

**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

Graduated licensing

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LEGISLATIVE ASSEMBLY OF ONTARIO

R-389

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Tuesday 14 September 1993

The committee met at 1001 in the Delta Hotel, Ottawa.

GRADUATED LICENSING

The Chair (Mr Bob Huget): Good morning, everybody. The committee is here this morning to gather public input into graduated drivers' licences.

The committee is staffed by committee clerk Tannis Manikel, Andrew McNaught, researcher, and Beth Grahame. As well, we have French translation staff, and there are translation devices available. That service is staffed by Sylvie Soth, J. Buchanan and Kishore Oogarah. We also have broadcast and recording staff, Jim Petselis and Bill Lamorre.

RICHARD FRAPPIER

The Chair: The first witness this morning is Richard Frappier. While you're taking your place, Mr Frappier, I will introduce the parliamentary assistant to the Minister of Transportation, George Dadamo, the Transportation critic for the official opposition, Mr Hans Daigeler, and the Transportation critic for the third party, Mr David Turnbull.

Good morning, Mr Frappier. You're allocated one half-hour for your presentation. The committee would appreciate about half of that time, if possible, for questions, answers and dialogue.

Mr Richard Frappier: Thank you, Mr Chairman, ladies and gentlemen. From this book on graduated licensing, there seems to be a focus on teenagers or people who are acquiring their licence. When I heard we were going to have hearings, the reason I wanted to be here was that six and a half years ago I was on the Queensway here in Ottawa; they were rebuilding it. I stopped and there was a young man behind me who didn't. He ran into me at full speed: 50 or 60 miles an hour. We destroyed three cars.

I was seriously injured. I'll never work again. I was one course short of my university degree. I did my grade 11 and 12 at night, and my whole degree at night. I was one course short. Now I am in constant pain. I get up with a bad headache that goes downhill. I have two discs that are blocked in the middle of my back. My whole basin is twisted. I lost an inch and a half in height, because one young man, instead of concentrating on the traffic in front of him, was busy watching construction. He was not even charged—speeding, careless driving, anything—nothing.

My life's been destroyed and I'm sure some of you know what happens in the courts. I didn't even get into court yet. It's six and a half years ago. I'm getting jerked around by all the lawyers, and see my doctor and

his doctor. You know, I don't need this.

I was a professional driver. I started in the army in 1959. There they teach you how to drive, not only the physical skills required but the mental attitude, which is what we do not have at this time. You people issue the licence. It is your licence and if I remember correctly, driving is a privilege, not a right. It is your licence. You're responsible for it. I hold people like you, or your predecessors, and especially those in MTO, responsible for my condition because if that young man had been taught to drive properly, that would not have happened, but I'll get to that a little bit later.

I surrendered my A licence just a couple of years ago because I had too many physical and mental impairments to hold such a licence. I did not feel that my health entitled me to have such a licence so I surrendered it.

I love writing, so I've written, with some assistance, about 15 to 16 pages about this report. The only way I'm going to attack this is that I'm going to go through it and make some comments and come back and forth, and I'm going to give you some recommendations, something to think about.

Statistics show that all new drivers, regardless of their age, have a much higher risk of collision than more experienced drivers. Well, that's pretty straightforward, but not quite the whole story. Some \$4 billion per year in health care: That's a lot of money we could save. Graduated licensing could reduce new driver collision by 10%, and you keep coming up with this 10% all the way through the book. You talk about New Zealand. You're talking about 10%. If there are 10 accidents, you'll go after one. Nine: It seems that nobody cares. It would look good: 10%. Why not set it to go a little bit higher, with proper training?

If I read this correctly, with the new system we'll be reducing it to 20 months. Right now, we have two years' probation and we're reducing it.

"Refrain from driving on 400 series": I live in Casselman. It's on the side of the 417. My son, in a little over a year, will be getting a licence. According to this, you are forcing him to drive from Casselman on a dinky little road, which half the time is the last thing to be cleaned in the wintertime, to Embrun, to Russell, make a left, then you go through a bunch of little towns—I don't know; I haven't been there in 15 years—then come into Ottawa, cross Ottawa, go into Hull, Pointe-Gatineau and Gatineau. Finally, he'll reach his grandmother's place. On the way back, it's the same thing.

He's going to be meeting oncoming traffic. It's a two-lane road. But since it's just past midnight, he is not allowed to go on the 417, where there is no oncoming traffic, where the roads are—I must say MTO does a superb job. As a matter of fact, I think they have too many snowplows at times. So he's stuck on this little road, meeting oncoming traffic. If I was on the road, I wouldn't want to meet some kid at midnight, in a bad storm, on a little road like that. But according to this, this is exactly what's going to happen—or at 11 o'clock at night because he's got to be in by midnight. Do you want to provide them with a safe learning environment? Safe is not these horrible little roads we have around here.

1010

The accompanying driver must have a minimum of four years' experience and a blood alcohol content less than 0.05%. Hell, he could be with somebody who's 20 years old and hasn't driven a car for the last two years. I never understood this. What happens? He gets into a spin, a 20-year-old is supposed to grab it with one hand and bring him back into the centre of the road? For four or five teenagers in a car who have been drinking, the last thing they worry about is their licence. I think last week or a couple of weeks ago, four or five kids got killed again.

I deal with kids all the time. I'm a hockey coach, belong to the Optimist Club. I'm around them all the time. I know how they think, I know what they think, and all you have to do is listen to them. They're all over, arcades, dumb little restaurants. Listen to the kids. You'll know what they're thinking, and a two-step graduated licensing system does not interest them the least little bit.

I've had to go to funerals of children. They're 16- or 17-year-olds who died because somebody didn't do their job. When you see a couple of 16- or 17-year-old kids in the casket in a church and you look at the parents, you look at the relatives, I assure you it's not something you want to do more than once in your lifetime. I know I don't.

It says here also, "In fact, statistics show it takes up to five years for most people to acquire the full range of skill, judgement and perception they need to avoid road crashes." Well, that's nice, except it's not a reality, because if you take your car from point A to the little store once a week, and bingo once a week, you'll never become a good driver. So years have got nothing to do with it. It is training and frequency that determine how good a driver you're going to be.

I read this here about "at higher speeds, drivers have less time to react," and so on and so forth. It doesn't matter if you're a beginner or an experienced driver. I've seen people with 50 years' driving who are no better than people who have been driving for three months. So the length of time that you're driving means

absolutely nothing. As a matter of fact, I've seen some with three months' experience drive better than people with 30 or 40 years' experience.

I can't see why you would set your heights at only 10% when it comes to reducing collisions, when you could very easily strive for 50%. I think you'll agree that especially with young drivers, one out of two accidents could be avoided very easily.

Let's go into some recommendations. The present system of driver training just doesn't make it. Most of them, including my eldest boy, go into some little high school program, drive around the block a few times—oh, make it 10 or 20 hours, it doesn't matter. You don't learn to drive like that. What you learn to do to drive is that you'd be better off taking the kids into Larose forest here and have them drive up and down the dirt roads winter and summer. They'd get better training than just driving around the block on some nice paved road with the sun shining.

Prevention: I have a whole bunch of ideas for preventing them. I remember when I was a coach a long time ago, one of my players got hurt so I went to the hospital with him and I saw a policeman come up. He had this little child in his arms. He didn't quite look human, his face was about this big, he had the face of a 300-pound man covered with blood and he was running with that child. I forgot a lot of things when I got hit in the head six and a half years ago—memory is practically shot—but this one always stayed with me.

If you were to film something like that. If you were to take people who are convicted of drunk driving—we had a judge who did this up in northern Ontario about 30 years ago. If you got caught drunk driving, you went to the hospital for six hours on Saturday night and you watched them bring them in. That would put a stop to your drinking and driving. What you have to do is shock these kids, show them what it's really like.

I drove an ambulance in the army for a while. I got caught driving drunk by my military superiors. They put a stop to it. They put me on the ambulance and I had to go around to pick them up, especially around Petawawa. It's fun there: the Canadian Guards, Saturday night, party night. That was in the 1960s. I never drink and drive since the 1960s because I still remember the carnage on the highways.

One of the things you should consider is having them stand at the door of the emergency room, have them stand at the door of the children's hospital. Again last year, same thing, some young kid just hit another kid who was about five years old, all broken, battered, bloody. Boy, that really shakes you up. Show them films of actual accidents. Leave the blood and the gore and the guts and everything. Show it to them. Show them what it does: one moment of stupidity, how it can ruin a bunch of lives. Talk to the parents who've had to bury their children.

This book here—I don't know. It looks like your answer to young drivers or inexperienced drivers won't cut it. I'm telling you right now that you wasted your money.

Have them ride in the ambulance and carry one end of the stretcher, that's all he has to do; push out a couple of boxes; go and watch, observe.

1020

I see you have it too. I had put down the student driver sign. The army has had that for 35 years, so far I know, a nice big yellow sign. It's not the idea of putting a target on them, but it warned the other drivers that this person was just starting out and they should give him a bit of leeway. Don't go behind him and blast the horn; be careful; help him out. We tried that in the armed forces and it worked.

It's very seldom now that you see a professional driver from the armed forces get involved in accidents, and when they are it's even more rare that they are responsible. They are taught defensive driving. They are taught what happens when they take alcohol and drive. You people have the responsibility for better training and also to pull the licences of repeat offenders. Don't wait till they kill somebody to do it. Pull the licence for just a week as a warning.

I don't know what else to tell you, so that's about it for me.

Mr Hans Daigeler (Nepean): Thank you, Mr Frappier, for taking the time to present us with the very important witness of your own life and your suggestions on how one could strengthen this graduate licences initiative.

You spoke about the driving efforts in the military and you spoke especially that it did something for the mental attitude. I agree with you it's the mental attitude that's so important. Could you explain a little bit more how that happens, that driver training in the military? How long is it? Is there any kind of graduated system? How does it work, then, or how did it work when you were there?

Mr Frappier: When I was there—we're talking about 30 years ago—I can't tell you you could do any better than they did. They showed you the vehicle, what it did, how it operated and they took you driving. They did not put you on a nice asphalt-covered road; they took you driving in the bush. There were little unpaved roads—some were just cow paths—winter and summer, which represented the actual driving conditions in this country.

They gave you a variety of vehicles: cars, jeeps, two-and-a-half-ton trucks, military vehicles, standard three-ton trucks—whatever it was you were going for—buses, semi-trailers. You got the proper training and you did not get your licence until you knew what to do.

You never know exactly what's going to present itself

every time you get into a vehicle, except in the wintertime. If you go from my place to Ottawa, you know you're going to meet some black ice. You know there's a chance that you can spin out. You know you will probably meet somebody on the side of the road who's flipped over and that you will have to assist them. Most people, for some odd reason, aren't mentally prepared for what they are about to encounter. They just get in the car and go. But you have to be prepared. It's like going in the bush and not being armed and you know you're going into bear country. You're asking for it and you'll get it.

How do you judge somebody mentally fit to have a driver's licence? Let me give you a perfect example. I'm going to my trailer last Saturday. I'm in the left-hand lane on the 401. I'm coming in at about 110 klicks, maybe 115, somewhere in there. I am not, by far, a fast driver. There are two cars ahead of me. The second car is a white Ford Taurus. If I'm doing 110, he's doing about 95 klicks. I'm about 20 feet behind him, but I'm in the left-hand lane; he's in the right lane. He pulls right out in front of me; no signal, nothing, just bam, there he is. So I apply the brakes. He pulls up to about even with the other car, the front of the other car and the back of his car. I've got the brakes on and I'm slowing down here. I'm about 15 feet from him. I thought he was going to pick up speed but no, he just pulls out gradually, very slowly.

When he gets there, he finds, I imagine, that I'm too close to his bumper. So here's the car. I'm about a foot behind the guy on the right here. He's in front. As I slow down to about 95, this bright bird decides to put on the brakes. I'm following too close, so he slams on the brakes. Do you know how close I came to hitting him? I passed him. The man was in his 40s, probably been driving 20 or 25 years. But that was his way of dealing with that situation.

I have called the Ministry of Transportation in the past to report unsafe drivers, guys running in at 160 or 170 klicks, I don't know, but extremely fast, unbelievably fast. I've seen very unsafe driving, guys cutting in and out and actually forcing people off the road. The Ministry of Transportation says there's nothing it can do about it. I called the police; nothing they can do about it. Oh, they'll go over and talk to the guy, but that's about it. There's nothing; there's no system in place.

If I call, you call, he calls, you say, "Something's going on with this guy," but there's nothing anybody can do. This guy has got his licence for life, until somebody hits somebody or causes an accident and there's a witness. Then he's charged. But other than that, to prevent this guy from getting to the point where he's going to cause the accident, there's nothing you can do. There's no system in place to take care of this gentleman.

Mr George Dadamo (Windsor-Sandwich): I'll be

brief because one of my other colleagues has a question too, sir. There are a lot of things to talk about. I want to say that we have some people from the Ministry of Transportation who are expert in this field who are here to answer questions for the committee and for you as well. We're talking about the signage and we haven't quite decided how we're going to construct or put that on the vehicle. Do you have any ideas on letting people know there's a beginner driver driving the car?

1030

Mr Frappier: It could be something as easy as the automobile dealer plates when you take the car out; just a little sign, "Student Driver," usually yellow. Make it 10 inches by 18, "Student Driver," three-inch letters. Just put it in a plastic case with a strap. Open up the trunk and just put it in. For the front you'd have to design some kind of a U-shaped frame where you slip it in. Before the driver starts, he puts his licence in the front and the other one in the back and he takes off.

Mr Dadamo: Could you comment on the midnight-to-5am curfew that we're exploring?

Mr Frappier: The worst-case scenario, granted, but in the middle of the winter you're putting him on a two-lane highway with oncoming traffic. At 2 o'clock in the morning, according to your statistics, he's probably going to meet a couple of drunks anyway. You're putting him right there. On the 417, we'll say, at 2 o'clock in the morning, you won't be running into many cars, I assure you. As a matter of fact, you don't want to have a breakdown at 2 o'clock on a winter morning.

Keep him on the 400. At least he's got two lanes if he loses it, and if he does lose it—and not only young drivers. Everybody loses it once in a while. If he does lose it, he's got two lanes to recover.

If you were to say, "Hey, I don't want you on the road between 7 and 9 and 4 to 6," that I could understand, because there is a lot of traffic. But midnight to 5? No. You're wasting your time, midnight to 5.

The Chair: Mr Frappier, thank you for taking the time to be with us this morning and present your views. Your testimony and the things you've told this committee play an important role in the process and are indeed valuable. We trust you'll stay in touch with the committee, either through the committee clerk or any member or your own MPP, as we go through the process of developing graduated licensing in Ontario.

OTTAWA-CARLETON SAFETY COUNCIL

The Chair: Next is the Ottawa-Carleton Safety Council. Welcome. Please identify yourselves for Hansard and proceed with your presentation.

Mr Scott Follis: My name is Scott Follis. I'm with the Ottawa-Carleton Safety Council.

Mr Jim Bancroft: Jim Bancroft. I was formerly chairman of the Ottawa-Carleton Safety Council for 14 years.

Mr Follis: Honourable members of the Legislature, Mr Chairman, ladies and gentlemen, first of all, we would like to commend the Minister of Transportation for these proposals to introduce graduated licensing legislation. We believe that the concepts involved are extremely effective in reducing traffic collisions and consequently the unacceptably high number of injuries and death.

Statistics have shown over the years that younger and less experienced drivers are disproportionately represented in crashes. Measures such as graduated licensing have proved to be effective in countries where it has been introduced, significantly reducing the proportion of such drivers represented in collisions. We believe that the sooner legislation to effect graduated licensing concepts is brought in and implemented, the sooner our newer drivers will share the benefits of fewer collisions and all drivers will enjoy safer roads with fewer collisions and deaths.

We have a few concerns and general comments.

In the current proposal, incentives are offered at different levels. The Ministry of Transportation has recognized that training is a valuable tool for learner drivers by reducing the period for those who take training. As a non-profit safety organization, the Ottawa-Carleton Safety Council has been involved in the design and delivery of training courses for many years and we too believe that training prevents injuries and death by showing drivers how to recognize potential hazards and courses of action to take to overcome such hazards.

We believe that any training recommended for incentive purposes should also include concepts of sharing the road and pedestrian awareness. We believe training is essential to the novice stage and that once initial handling skills are acquired, more advanced collision avoidance training will contribute to a further reduction in collisions.

Our first recommendation is that approved driver training be encouraged at both level 1 and level 2 for learner drivers; second, that consideration be given to recognize for incentive purposes training which includes collision avoidance, sharing the road with other vehicles, including cyclists, and pedestrian awareness.

The need for advanced driver training is recognized. The Ottawa-Carleton Safety Council further is concerned that the legislation may be held up in its passage while training courses are designed. Training programs already exist which can be used for both level 1 and level 2 training; for example, the driver education programs that are offered through the high school system, the Canada Safety Council motorcycle training program and the defensive driving course used extensively by many organizations.

Our third recommendation is to avoid delays in the

implementation of the legislation; that currently available programs be approved where they exist.

The motorcycle level 1 is proposed to last 60 days minimum. An overall reduction to 18 months for level 1 and 2 is given if approved training is taken. The length of level 1 for motorcycles is very short. To learn to ride a motorcycle safely requires skills development involving coordination of action and physical balance. The learner rider is at very serious risk of injury, especially during the initial period of learning, and is not surrounded by an automobile which can protect the occupant.

We recommend that the duration of level 1 for motorcyclists be increased to four or six months.

With respect to incentives, the G learner is offered an incentive to take driver training during level 1, with a level 1 time reduction. The M learner is offered incentive to take training during either level 1 or 2, with an overall time reduction.

In 1967, the Ottawa-Carleton Safety Council identified, as a result of a worldwide survey, that skills training is critical for novice motorcyclists, and with this information in mind pioneered the motorcycle training program which has become the nationwide model in Canada. This course is now known as the Canada Safety Council motorcycle training program.

The taking of skills development training for a learning motorcyclist is critical to that rider's safety. It is essential for this training to be taken at the earliest stages of learning to ride. Offering an inducement to take this training at the earliest possible time will save lives and reduce injury.

The incentives which are offered are similar in nature but offered at different times and levels for both G and M. This may lead to some confusion for the learners as to the time to take the training.

We recommend that the Ministry of Transportation clarify that the taking of an approved motorcycle training program during level 1 will reduce the graduated licence duration, and also clarify that the approved motorcycle training program gives exemption from the test.

We also recommend that if our prior recommendation 4, which was to increase the time frame, is adopted, the duration of level 1 for motorcycles be reduced to 60 days if an approved training program is passed.

With respect to tests, an exemption for level 1 testing is currently proposed if the approved training is taken in the first 60 days. We observe that the level 2 section indicates that a test must be passed before level 2 is entered. Level 1 students should be advised that they can make arrangements to take the test or the approved motorcycle training program.

We recommend that the Ministry of Transportation clarify in level 1 that a test or approved motorcycle

training program which includes a test must be passed before going to level 2.

1040

With respect to the content of these tests, none of the content was part of the initial proposal. The Ministry of Transportation is designing with expert help specific tests for both M and G licence holders. We expect that they will include sections dealing with collision avoidance, defensive driving concepts and the necessity to share the road with other vehicles, again including cyclists, and recognizing the vulnerability of pedestrians and their specific rights.

We recommend that the minister include in the tests for both level 1 and level 2 concepts of defensive driving, collision avoidance, sharing the road and pedestrian awareness.

There was no mention of systems for the testing and the provision of testing. The current M licence system particularly allows for the R licence holder—that's the learner motorcyclist—who has completed the Canada Safety Council motorcycle training program to be granted their M licence by recognized authorities. This is in addition to the MTO format.

The Ottawa-Carleton Safety Council, being one of the recognized authorities, wishes that the program be continued, for it is administered without additional expense to the taxpayers, and the current proposal does not mention a continuance of this valuable safety program.

We recommend that the test for M learners be implemented in a manner that allows the current Canada Safety Council motorcycle training program or a similar approved course to continue, with signing authority being accorded to the recognized authorities.

On to the signs and displays: The current proposal is that the G learner is to be issued a display sign indicating they're a learner driver operating a vehicle. It is noted the M learner is not offered a similar sign.

The purpose of such identification is to alert other drivers to the inexperienced learner so they can prepare to make allowance for errors. Some seem to think it is only to assist the enforcement of graduated licensing provisions. Identification of the learner for the purpose of the protection of the learner and all other roads users is the primary goal and this must be made clear.

We recommend that the purpose of the learner sign be made clearer to the learners and to the general motoring public.

With respect to no signs being offered to motorcyclists, the motorcyclist is very much more vulnerable to injury and death than the motorist. In the car-motorcycle collision, the motorcyclist is injured most often and death is many more times common than in a car versus car collision. Consequently, it is even more essential for motorists to be made aware of inexperienced motorcycl-

lists and alerted to the mistakes that can be very costly.

We recommend that M learners be issued a sign for display while they are operating a motorcycle during level 1.

The signs for G learners need to be retro-reflective for ease of identification in low light and after dark, and for the M learners, who are not allowed to ride after dusk, this sign needs to be highly visible.

We recommend that the G learner sign be retro-reflective and that the M learner sign be therefore accordingly highly visible.

The Ottawa-Carleton Safety Council has been involved in extensive driver training and the prevention of accidents and traffic collisions since 1957. Earlier this year, we conducted a MotorForum in town to address the increasing number of local collisions. A major factor in those traffic collisions was identified as driver error due in large part to driver attitude.

Terminology was cited as contributing to poor driver attitude by encouraging the driver to believe they enjoy a right to drive. The word "licence" conveys this type of misinterpretation. In acquiring a licence, one is usually given unrestricted entitlement. A permit, on the other hand, has limitations to that entitlement. It is of a shorter duration, generally, and can be rescinded very easily by the issuing body.

Accordingly, we recommend changing the term "licence" to "permit."

Once again, we would like to reiterate our support for the principles of graduated licensing and its impact on reducing traffic injuries and fatalities. This is a step forward for all residents of Ontario, not just by the huge savings to the health and social system; it will add to the quality of life for all road users.

The early implementation is so very important that, in closing, we urge you to adopt a working compromise and allow the saving of additional lives to begin. Pass and implement the legislation as soon as possible. Set in place a structure for additional refinements to be made for future implementation. The Ottawa-Carleton Safety Council is, of course, willing to assist in any manner that we can.

Mr David Turnbull (York Mills): So far as driver education is concerned, we've heard a great deal of attention during these hearings about the importance of having driver education, not surprisingly. Do you feel it would be useful if it were to become a compulsory component of learning to drive, of getting a licence?

Mr Follis: Absolutely. I'll cite an example. The other day I talked to a gal who was doing an interview with me for the CBC. We spoke of the three accidents she's had in the last five years and how good a driver she thinks she is. I didn't want to burst her bubble, but three accidents in five years—she's a target and she doesn't know it. But she did have high school driver ed.

What she hasn't had, and this is part of the graduated process that is very important, is that once you've learned the basics of keeping the car on the road, beyond that point, some time after that, you then have to learn additional experience such as how to protect yourself from the ongoing errors of other drivers.

As Mr Frappier was saying, when other people make mistakes, if you're not ready and in a position to compensate, you're going to be involved. What we're looking at is not culpability; we're looking to reduce involvement. With the huge numbers we have, the accidents are still going to continue. If we can train in stages—this is where the level 2 training is very important. I don't think it would be popular to make it mandatory as we can make driver education, or certainly very available, but we can make it a very strong inducement, and the inducement to reduce—

Mr Turnbull: I'm sorry; I don't follow that. You started to talk about level 2.

Mr Follis: Yes.

Mr Turnbull: You can't make what mandatory?

Mr Follis: I don't propose—

Mr Turnbull: The advanced?

Mr Follis: —that the advanced training be compulsory, but if we offer inducement by way of time reduction, as we have done in the level 1, class G proposal, many people will be induced to take it, and additional training facilities will open to offer that type of training.

Mr Turnbull: What about the people who live in remote areas of Ontario, so far as access to driver education is concerned?

Mr Follis: Within the high school system or outside?

Mr Turnbull: We have to look at the whole system.

Mr Follis: I think that when the driving school industry, for instance, Young Drivers of Canada and all the different teaching-to-driving-industry schools, recognizes that there's a market, it will utilize that even in the smaller communities.

In very small communities, they still have provision where they can take tests without going for additional training. There will always be those people it's a difficulty for and we have to look at the large mass rather than just, "If a few can't, that falls through the cracks." For instance, I appreciate some of the 400 series provisions. There are some hardships. Yet when I drive through Toronto on the centre of the 64 lanes, it makes the 417 look really easy, and in fact it is. Yet the global nature of Ontario is such that we can't legislate only in Toronto and not in eastern or northern Ontario.

Mr Turnbull: Exactly. When you look at the 400 series highways, this present proposal has the built-in problem that unless you're with an approved driver educator, during level 1, you can't go on the 400 series

highways, yet in level 2 there's no requirement to have anybody with you. My question would be, do you believe that during level 2, we should make it mandatory that people who graduated to level 2 should have an accompanying driver in those new experiences, those being 400 series highways and night driving?

Mr Follis: In fact, yes. I'm aware of a presentation that's going to be made by one of the regional council health committees this afternoon, to the effect that during the second level there be supervision, particularly at night, although the additional, while starting on 400 series highways, was not part of that. But I do agree that in new situations having a driver supervisor available is a good measure of safety.

1050

Mr Turnbull: Do you feel it is satisfactory that the accompanying driver be allowed to have a 0.05% blood alcohol level?

Mr Follis: No. From my own personal—the same as the driver, zero BAC, none.

Mr Turnbull: A last question: Do you think this legislation should be amended so that only the accompanying driver can be in the front seat with the driver, because at the moment it's limited to the number of seatbelts? I guess my concern is the disturbance to an inexperienced driver if you've got three people on a bench seat in the front.

Mr Follis: I would hope that people learning to drive would do so responsibly in the type of scenario that we expect. But the reality is that there will be people who are 23 years old out with 16-year-olds, and if they're on their way to a party, there will be five people in the car. It becomes a difficulty in regulating and enforcing. I would like it to be this way, that the only occupants in the front are the driver and the instructor. I could agree with that. It just becomes a difficulty of enforcement.

Mr Mike Cooper (Kitchener-Wilmot): First of all, on your recommendation on the motorcycle signs, I'm a motorcycle rider, have been for a number of years and took the Ontario Safety League course at Conestoga College. I find that even now, with my experience, I'm still a target because of the size of a motorcycle. When you're on the highway, you're only using half a lane and people like to crowd you and use that little advantage the same as they would with a cyclist. If you identify a new rider, who is nervous at best, and put him up so that other people know he's identified as a new rider, you're going to find hotshots out there who are going to try to run him off the road. That's why I'm against signage for motorcycle riders, for the learners. I think it's just making them a larger target.

Mr Follis: I can't disagree, yet for that 2% who are the hotshots, the 98% are going to respect the fact that this is a learner, "Give him a bit of room." It accords

him so much more. The 60 days that you take your level 1, if you take an approved motorcycle training course, and because of the incentive to take it, is not so long a time to be exposed, certainly, if you then become more skilled. I would suspect that you felt better having taken that course and knowing how to ride a motorcycle.

The suggestion I had got shot down by our own inspector people saying, "You can't propose that, Scott. We couldn't live with it." That particular proposal was to have a 15 centimetre high L placed nicely on the back of your helmet, highly visible, above traffic, and the incentive I saw was that people would take the training to get rid of the L. I'm only concerned that they take the training so they don't get killed.

Interjection: Would they swap helmets?

Mr Follis: They don't swap helmets because they're too expensive. My chief instructor said, "Scott, they spend a lot of money for those helmets." I wasn't supposed to propose that, so officially I have.

Mr Cooper: The other concern is lengthening the duration for level 1 for motorcycles. If you go to the six months, what a lot of people may do is take that six months and ride and then the next year go for the road test for level 2. If you keep it at a compact amount, they don't get that much road experience, so they're more inclined to go and take the course.

Mr Follis: Oh, exactly.

Mr Cooper: That's why I would propose to keep the shorter limit on level 1, so that they'd be more inclined, because I know people don't like the restrictions of not riding at night. Motorcycle enthusiasts like to ride all the time, so they'd want to get out of that as soon as possible. If you keep it at a shorter time, they're more inclined to go take the course, I think, with training.

Mr Follis: Yes. Well, this is it; make it—we looked at the seasonal aspects of motorcycle riding. If you make it anything beyond six months, it becomes redundant because nobody rides in the winter, unless you happen to live in Sarnia. For the majority of riders, it's a six-month season, so you work in increments of six months, less than that. We wanted to have such a strong incentive to take the motorcycle training, and it is available.

I have to defer to Mr Turnbull when he was saying that not all education facilities are going to be available for those who live in Thunder Bay, yet if the incentive is there and there are enough riders, there will be an industry grow to that and it will become available, as it is through some of the college systems and through our own offices here.

Mr Len Wood (Cochrane North): I'm from northern Ontario. I've been there for close to 35 years now. When we're talking about the 400 series highways, it's a concern to me, because as I said yesterday

to one of the groups, I have never, as yet, personally seen a car coming at me face to face on the four-lane highways or the six-lane highways, but I have on the two-lane highways. We realize that only about 25% of the heavy urban populated areas in southern Ontario are covered with multilane highways. The other 75% of the province is covered with two-lane highways, and some passing lanes and they all haven't been installed yet.

What I'm just concerned about, and maybe you can comment on it, for example, is that when a new driver leaving Kapuskasing hits the four-lane highways, we're saying, "Now you've got to find your way to downtown Toronto by the back roads." Is that safer or more dangerous? I know that we have to find a way somewhere in the next 20 years to be able to eliminate all human errors so that nobody gets killed because of human error on the highways, but I'm just wondering, when we're proposing this, is it feasible? Is it workable?

Mr Follis: For the driver who's never experienced a 400 level highway and is still in level 1, and using your example, if he's driving from Kap down to Toronto, the first time he hits the 400 below North Bay, it's going to be different, but I would hope that if he's in level 1, he's got an experienced driver with him. In fact, he shouldn't even be on that road. He's going to have to go down through the older highways. The experienced driver who's with him may say: "Listen, you drive from Kap to North Bay. I'll pick it up from there." Then he can sit and watch. This is only a 12-month period. It's like the 365.

If he's a level 2 driver and if he has a supervisor with him, or even if this is his first experience, that's what it's all about. Fortunately, he does get about 200 miles of driving on smaller four-lanes before he hits downtown TO and gets blown away.

As an example, I had an opportunity to spend a year in the Northwest Territories, where there was one stoplight in all of Yellowknife. When I drove back to Edmonton the first time—and I grew up driving all my life; I worked with Bell Telephone and so on—when I first got back on to four lanes, I was a danger. I was not comfortable. My timing was off. I didn't have a sense of the motion.

These are the things we take for granted, that everybody can drive as well as we can. Unfortunately, that is not the case. Experienced northern Ontario drivers are great on their roads, but throw them into Toronto and they're a hazard. Throw that Toronto driver into northern Ontario and he's also a hazard. Give them 48 hours to acclimatize and it equals back out.

I guess our big emphasis is the training, and get it done at the appropriate times and with as much universality as we can.

1100

Mr Steven Offer (Mississauga North): Thank you

very much for your presentation. I know that my colleagues have some other questions, and I'd like to ask two brief questions, if I might.

Firstly, on a matter of clarification on the issue of the accompanying driver, it seems a little fuzzy from the proposals as to how long the accompanying driver must have been driving. They say four years, but they say four years with full class G, I guess, training privileges. That could be someone who has just received a class G licence, not have had it for four years but rather four days, basically. I am wondering if it is your position that the accompanying driver should have had full driving privileges for the four years, or should it be something else?

Mr Follis: I personally feel that it would be a hardship to find somebody—and I'm looking down the road five years from now—who has had four additional full years of driving experience after he acquired his full G licence. That puts somebody at a minimum age, if they got their licence starting at 16, of 22 years old.

Mr Offer: Right.

Mr Follis: Yet the experience of driving from when you initially started at 16, if it took you through 24 months to age 18, and two additional years of driving, you've in fact been in the driving system for four years. I personally could live with that. What takes away confusion and allows the universality is that originating date on your licence when you first applied, and it makes it pretty easy for enforcement.

Mr Offer: Thank you for that. My next question deals with the issue of young drivers under 19 and alcohol. In Ontario, you can't drink under 19. We asked some questions yesterday as to what the penalty would be if a young driver is found with alcohol in his system. I'm not talking about over the current limit, but under the limit but still with alcohol in their blood, what the penalty would be. Indeed, there really isn't any penalty.

The question becomes, and I ask you this, is this an area that should be looked at? Should a young driver who has alcohol in his blood, under the current level but at some other level, suffer a penalty, which just does not exist at this point, in terms of his driving privileges?

Mr Follis: Working on the provision in the current system of licensing?

Mr Offer: No, in the new.

Mr Follis: Beyond this point in time.

Mr Offer: Yes.

Mr Follis: If you are under the legal age of drinking, that's beyond the scope. Yet if you're driving and breaking the provisions of your graduated licence or the licensing provisions that you're driving under, I'd personally like to see the licence suspended immediately.

Mr Offer: For how long?

Mr Follis: As a minimum, I would go six months to show the serious nature, and you then start either where you left off in your time format or possibly back right at the beginning. It's very difficult today, with the advent of the near-beers and the 0.05, for the policeman on the road. He can smell it and you can say, "Yes, but it's one of these no-alcohol-content beers." When he goes through the whole format and breathalyser, then takes you into the station house and it finally goes to court and you're found to have had it, you've played the system and you lost.

There can be no tolerance when it comes to drinking and driving. If that gets around, it will become accepted practice. Twenty years ago, it wouldn't have been accepted that I couldn't sit here and smoke, yet nobody feels any necessity. Over time, you can induce any attitude by showing a tolerance.

Mr Sean G. Conway (Renfrew North): Following up on the questions around the relationship between alcohol and driving, the provincial coroner, Dr Young, the other day produced some data that were, I think, quite startling to all of us on the committee. Very specifically, the concern I had and that I think other members had was looking at the incidence of alcohol-related injury and fatality among drivers in the age category of 20 to 25, a very significant pattern of bad behaviour and very bad results.

Have you any advice on the basis of your experience and insight into this whole question as to what we need to do to modify that behaviour as well?

Mr Follis: We've already started, because we now work with zero. I can go to a party with my family and if I have one beer, my daughter who is 10 years old says, "Daddy, you're driving." When children know that drinking and driving don't mix, it'll take a while, but that education process has already started. Those 25-year-olds in five years will be 30. Some of them won't have made it, but for those who have, I hope their attitudes do change. It's through constant education, and this has taken a number of years, and continuing that. I don't know that we can additionally enforce the laws with the restrictions that we work under for drinking and driving.

Mr Conway: That was going to be my supplementary. How would you and your council view a proposal to impose a new condition which might say that there would be a requirement that the blood alcohol level for anyone driving in the age category of—say a zero tolerance up to and including the full age of 21.

Mr Follis: I guess it would be so hard to enforce, and it would be challenged as discriminatory by age and so on and so forth, that it could become cumbersome. It would be easier to change the whole law and rather than work on a 0.08, drop it to a 0.05 for everybody.

Mr Conway: I appreciate what you say about

enforceability, but Dr Young's data really made me think that we have a very serious, ongoing problem with 21-, 22- and 23-year-olds, who are not out with their kids. They're out with their pals from Carleton University or Cité collégiale here in Ottawa, or wherever else, and having a good blast. That's what those data recommend to me.

What would be so problematic? It wouldn't be very popular. I guess the enforcement, yes, to some extent, but I think it underlines everything in this debate, the reason we're here doing graduated licensing. I think most people would say there is an unacceptable carnage of young people on the roads and the biggest single problem is alcohol.

I look at the coroner's data. The biggest worry in the minds of most people, supported to a real extent, I think, by a lot of the data, is alcohol. If you look at the coroner's data, it suggests to me that the really dangerous mix seems to come at around age 19 or 20 when young drivers become legally eligible to drink, and that's often accompanied by leaving home and going off to school. I say to myself that if we're really serious about the real problem, then maybe we should look at that.

Mr Follis: As a percentage, somewhere around 50% of all fatalities involve alcohol, but the actual numbers of deaths in the province have diminished considerably over the years. I don't mean to diminish the problem, but 8,000 cars got stopped by the OPP at the other end of the Queensway last Christmas, and they charged two people. It's a tough go for those poor officers, yet the two who got charged were drunk. As a percentage of cars stopped, they gave out a whole lot more tickets for not wearing their seatbelt.

I think it's a diminishing return. We can't let up. Last year in Ottawa-Carleton there were 16,000 vehicle accidents. The social cost to this province is just astronomical, because those are the ones that generated police reports. Let's not talk about it; it's a \$100-million industry to the bodyshops and so on. Not half of those people were drinking, yet they didn't know how to prevent those incidents from happening.

As a byproduct, if we could free up our police systems to do what we really want them to do, and that's enforce meaningful laws, not investigate accidents, the way to do it is not to change what they have to do; it's to diminish the number of accidents. The target group to go at is initially the less experienced drivers, and hopefully that's the starting point.

I guess one of the proposals—and I heard it mentioned; I think Mr Daigeler brought it up—is, what can we do to change the attitudes? He was asking about the military requirement. It occurs to me that if you drive in the military, you have to requalify with your licence every three years; you go and sit with a driver instructor. We don't do that here. It's a licence for life.

That's not part of graduated licensing, and if you want to see something unpopular, tell them everybody's going to have their tests redone, yet if we're looking to put gainful employment back in the province, instead of charging me \$10 to renew my licence every five years, charge me \$50, \$45 of which goes to the drivers' school or the industry that's been set up to do this. It doesn't necessarily have to be through the ministry, yet it will require that our drivers requalify.

The call I get most often is from the 79-year-old who says: "I have to take the driver's test next year. How do I learn to drive?" I say, "After 60 years of driving you don't know?" They drive every day. The second largest group is the seniors. They are serious dangers, yet we tend to say, "Well, it's my grandfather." Well, do you want to go to the funeral because he died of natural causes or because he was in a car accident? Worse yet is that he kills somebody else. That's the one that irks me, when the innocent get hit. I don't mind that a drunk driver goes out and puts his car into a pole and suffers a short life. It's when he puts it into somebody else's car and he kills everybody.

1110

This past long weekend there were 22 fatalities in the province of Ontario, six of which happened in the Brantford area with the train accident. Five of those accidents happened within 50 miles of Ottawa. We do not constitute one quarter of Ontario's population, nor its drivers, so why are we so bad? It's not that we're so bad; we just don't know how bad we are.

My challenge is that I cannot convince drivers to requalify. The girl from CBC who told me she only had three accidents thinks she's a wonderful driver. That's not a good track record, yet for me to tell her, "You're the person I'm after," she'll say, "I got hit; I didn't hit anybody." I say, "That's what I'm trying to teach you, how not to get hit." That's what defensive driving is. In fact, most people now don't understand the word. Everybody thinks he is a defensive driver.

My son thinks he's the world's best driver. I had the opportunity to take him down to Waterloo, and in the first two and a half hours from Prescott to Toronto, I let him drive. He found out what it's really like to try to drive defensively because he had to put up with me for two and a half hours. There was a downside to that coin: I had to drive through Toronto with him critiquing my driving in a much heavier driving situation. Yet he came to understand in two hours what it is truly like to try to give yourself space and how it moves and changes.

Driving is an art, yet we don't teach it that way. It's not like mathematics, where it's absolutes. Two and two doesn't make four when you're driving, because the guy who was two seconds ahead of you before is now only a second and a half; you've lost your space.

It took him a half an hour to figure that concept out,

and here's a kid going into honours physics. For the guy who's dropped out, I don't care, he's the guy I want to train.

Mr Daigeler: I should know, but what is the Ottawa-Carleton Safety Council? You didn't mention that at the beginning. Perhaps you could just explain.

Mr Follis: We started in 1957—in fact Jim was one of our first chairmen—as a safety training organization that grew beyond a small, two-person operation. Now we have four people. We are supported by the regional government's department of transportation, which is our primary funding, as well as membership.

We teach the course that Mr Cooper took if he had wanted that same course for motorcycle riders in Ottawa. Some 25% of the riders in Ottawa take our training course, and I should point out that those who take the course have virtually no accidents afterwards. We've yet to see any of our students involved in a traffic mishap.

Mr Daigeler: Would you perhaps later on give a little brochure on your organization to the clerk?

Mr Follis: I will send one off. We do that.

We do training, defensive driver training—we used to do practical bicycle training as well—and then the motorcycle training course. Those are our three areas of expertise. We charge for training, yet we're a non-profit organization, so we like to think that we're very politically correct in these times as a self-funding, non-profit organization offering training to the general public. Unfortunately, we do it so inexpensively that a lot of people don't know we even exist.

Mr Bancroft: I would just like to mention that the council has been about 20 years ahead of its time in its programs. Much of what I hear being discussed here today, we have already invoked, have already done.

We started driver education in the high schools here. It wasn't something the board of education wanted, but we got it started. We went for eight hours. We gave additional hours on throughway driving, which we were criticized for.

The motorcycle training course was developed by the Ottawa-Carleton Safety Council. There happened to be a Mr Munro and myself who developed that course, and we developed it from a research of motorcycle courses around the country and in other parts of the world, determined from that what the requirements were and then modified our training as time went by.

On the defensive driving course, we introduced a driver improvement course first and then came defensive driving. We offered an evaluation hour with our defensive driving course. In other words, you did blackboard work and we then worked with the driving schools so that you could take an hour evaluation. As Scott was saying, this comes after you've had your driver education.

I'm a great believer in driver education because I was one of the people responsible for the military training of drivers that was mentioned by Mr Frappier. The difference there is that you have a controlled group; you have the military discipline behind you. If we didn't like the way you drove, we didn't issue a permit to you. If we didn't like your attitude, we didn't issue it. We qualified you on each category of vehicle and you couldn't drive that until such times as you were qualified. We carried signs on the vehicles if we were doing any highway work to say that we had trainers on it, and then another driver would ride with the driver once he was put on to the road to see that he abided by the training.

The Chair: Thank you. You obviously have stimulated a very interesting discussion and certainly very thought-provoking questions from the committee. We trust you will stay in touch with the committee either through the clerk or any member of the committee or your own sitting MPP.

Mr Conway: Mr Chairman, my friend Offer made a very good point. Are there any statistics on the number of accidents caused by cellular phones? They have to be one of the most outrageous menaces.

The Chair: Interesting question; I believe the ministry at some point will be able to provide any statistics it has.

Mr Cameron Jackson (Burlington South): I'm sure, off the top of your head, you can guess the number Bell Telephone can provide.

Mr Dadamo: Do you want to do that now or later?

Mr Conway: Later. It's just a question for information purposes, from watching people drive.

AL BICKERTON

Mr Al Bickerton: My name is Al Bickerton and I'm the president of Bickerton Brokers Ontario Ltd of Gananoque and Kingston.

As an insurance broker, I am all too aware of the tragedies that occur on Ontario's highways. In my opinion, an effective system of graduated licensing will reduce the unacceptable number of people killed and injured in car crashes.

It is encouraging to see that the government has decided to move forward with such a system. I'm here today to offer some recommendations which I feel will enhance and strengthen the current proposal.

The rationale and principles of graduated licensing: Graduated licensing should be designed to provide novice drivers with both time and opportunity to gain valuable driving experience gradually, under conditions of reduced risk. Graduated licensing should be based on four principles:

(1) New drivers require a gradual introduction to the road.

(2) New drivers need to learn gradually to cope with

the inherently risky driving conditions.

(3) New drivers need continuing development of driving skills and testing.

(4) New drivers must be encouraged to take responsibility for safe driving.

Strong evidence is available to support the claim that an effective system of graduated licensing saves lives and reduces accidents. This is very significant for both young drivers, where death and injury rates among new drivers under 20 years of age remain at least two and a half times greater than the average risk for all drivers, and for the growing number of older, newly licensed drivers. Between 1983 and 1988, the proportion of new drivers in Canada over the age of 20 increased by more than 30%.

Many of the risks encountered by young drivers are also encountered by all beginning drivers regardless of age. While age is frequently a contributing factor to new-driver accidents, driving experience is also a key component in reducing collision risk. Graduated licensing is currently the best option to help novice drivers gain valuable experience while reducing their exposure to risky driving conditions.

1120

Concerns with the government proposal: I applaud the Ontario government's decision to implement a graduated licensing system. However, as an insurance broker, I have some concerns regarding the specific model being proposed. In my opinion, the government's proposal falls short of the most effective graduated licensing system.

I believe there should be more comprehensive controls for novice drivers during the full two-year driving period. I agree with the incentive to allow this period to be reduced to 20 months with an approved driving education training certificate. The minimum required driving experience must occur in a more protected environment before full driving privileges are granted. The government's proposal could result in as little as eight months of operation in a supervised and controlled environment, much like the current 365-day temporary learners licensing system.

Theoretically, under the government's proposal, a new driver may progress to level 2, at which there's virtually no restriction, after only eight months' experience in level 1. I believe this is a serious weakness in the government's proposed system. The removal of novice driver restrictions after only eight months is contrary to the concept of graduated licensing.

I encourage the Ontario government to revise its proposal so that more effective controls are in place, particularly at level 2. Only by implementing a strong and effective graduated licensing system will Ontario mirror the successes that have been achieved in other jurisdictions around the world.

Recommendations: I fully support the concept of graduated licensing as an effective means to prevent accidents and reduce the number of people killed and injured on Ontario's highways. However, certain changes could be made to enhance the government's proposal to ensure that lives are saved and Ontario roadways are made as safe as possible. I concur with the recommendations proposed by the Insurance Bureau of Canada and feel that these will better reflect a true graduated licensing system. Driving privileges should be granted in a gradual manner after an appropriate level of experience has been acquired and not all at once, as is the case in the Ontario government's proposal.

Level 1: The learning driver must be accompanied by a driver with at least two years' fully licensed experience, with a minimum age of 21, who maintains a zero blood alcohol concentration, which I'll later refer to as BAC.

Having an accompanying driver with at least two years' fully licensed experience is an attempt to ensure that the person has acquired sufficient driving experience to provide useful guidance and instruction to the learning driver. The accompanying driver is present not only to pass along good advice, but also to countervail any risk-taking. Given the supervisory nature of this role, it is only logical to extend the zero BAC requirement to the accompanying driver.

No other passengers are permitted unless either the accompanying driver is an accredited driving instructor or the learner is accompanied by a driver with at least five years' fully licensed experience. If these conditions are met, passengers are limited to the number of seatbelts in the vehicle.

I strongly believe in the need for passenger limitations to reduce the likelihood of internal distractions and the influence of peer pressure for the younger drivers. Transport Canada 1991 statistics indicate that more than one third of all fatally injured passengers were in the 15- to 24-year-old age group—34.7% of those. The Insurance Institute for Highway Safety, an American research organization, reports:

"Death rates for passengers as well as for drivers are highest during the teenage years. This is true for both males and females, and death rates decrease dramatically after age 24. Teenagers driving other teenagers represent the worst combination—63% of all teenage passengers who die in crashes do so when a peer is behind the wheel."

A zero BAC for both the learning driver and the accompanying driver: Operating a vehicle is a complicated task, requiring good coordination, sound judgement and alert motor reflexes. Alcohol is known to impair all these functions. Therefore, it makes sense to ensure that learning drivers and their supervisors remain alcohol-free.

A curfew from the hours of midnight to 5 am: Late-night driving is often inherently risky. Therefore, it's preferable that the learning driver gain hands-on experience in safer driving conditions before being permitted to drive at night.

Learning drivers are prohibited from driving on 400 series highways and designated multilane urban expressways. Statistics demonstrate that high-speed collisions are more severe and cause more injuries, and judgement and reaction time are reduced at higher speeds. Inexperienced drivers lack the advanced knowledge and skills required to avoid these collisions. I agree with restricting level 1 drivers from accessing high-speed, high-volume highways.

A new driver identification symbol must be clearly displayed. This will indicate a person's status as a learning driver to other drivers so that they may give the novice driver extra courtesy and cooperation.

In order to progress to level 2, a learning driver must maintain a conviction-free record for the entire duration of level 1, eight or 12 months, as the case may be, depending on whether driver training was undertaken, and pass a basic road test. This seeks to ensure that new drivers have developed proper respect for all the rules of the road and that they have acquired a certain degree of proficiency at operating a motor vehicle before they're granted greater driving privileges.

Contrary to the government's proposal, I feel that the requirements in level 2 should be amended to slowly phase in the more difficult aspects of driving.

Upon achieving level 2, the learning driver is allowed to drive unaccompanied, providing there are no passengers. One passenger is permitted if that person has two years of fully licensed experience. If the level 2 driver is accompanied by an accredited driving instructor or by a driver with at least five years' fully licensed experience, passengers are limited to the number of seatbelts in the vehicle.

Again, I reiterate the need for passenger limitations to reduce the likelihood of internal distractions and the influence of peer pressure for the younger drivers. Also, seatbelts have been proven to save lives and reduce the severity of injuries in collisions. Therefore, it makes sense to limit the number of passengers to the number of seatbelts.

Maintaining the zero BAC requirement for both the learning driver and the accompanying driver. Contrary to the government's proposal, I feel that both the learning driver and the accompanying driver should maintain a zero BAC.

Level 2 drivers are permitted to drive between the hours of midnight and 5 am or on 400 series and other designated multilane urban expressways if accompanied by a driver with at least two years' fully licensed experience. Lifting these restrictions in level 2 recog-

nizes that the novice driver has gained some experience and competence. However, I believe that the learning driver must be accompanied by a more experienced driver to provide proper supervision while the novice driver becomes accustomed to this increasingly difficult driving environment of late-night and high-speed highway driving.

Maintaining the requirement for a new driver identification symbol to be clearly displayed on the vehicle. This will continue to allow other drivers to identify new drivers to give them additional courtesy and cooperation.

In order to be granted full driving privileges, learning drivers must maintain a conviction-free driving record for the final 12 consecutive months of level 2 and they must pass an advanced test of their driving skills which focuses on their ability to identify hazards and make appropriate corrective decisions.

This attempts to ensure that the novice driver has in fact acquired sufficient experience and competence at driving to graduate to full, unrestricted privileges. The conviction-free stipulation seeks to discourage thrill-seeking and risk-taking and promote a healthy respect for both the rules of the road and the other drivers.

In conclusion, I agree with IBC that this model best reflects the ideals of the graduated licensing system to provide all new drivers with the opportunity to gain driving experience under conditions that minimize exposure to risk. The step-by-step approach to this model eases the learning driver into full, unrestricted driving situations rather than suddenly exposing him to the full range of hazardous driving situations.

The restrictions on new drivers are, under the proposed system, removed too quickly and do not reflect the ideals of a true graduated licensing system.

I encourage your committee to consider strengthening the proposed model of graduated licensing, particularly in level 2. This I feel will serve the people of Ontario best by ensuring that the safest system of graduated licensing is implemented.

Thank you for your consideration. I will try to answer any questions you may have.

1130

Mr Dadamo: Thank you very much for your presentation. I know that you spent a good amount of time talking about level 2, and I know that's become very important to you. I just wondered if you could share with us some of the guidelines that you'd like to see in some of the recommendations so we can strengthen it and toughen it a little bit.

Mr Bickerton: Certainly. I think one of the big areas has to be concentration on the blood alcohol content of both the learning driver, which I think is clearly enough addressed, but the accompanying driver as well. I really don't think that there should be any

tolerance to blood alcohol content when the accompanying driver is legislated to be provided. I think it's just like flying in a jet plane. Would you be really happy if the co-pilot was stoned? Probably not. I think that's one of my buggies.

The other thing is speed. All of the driver training has to zero in on speed. An obvious adjunct to that is how to provide the police with sufficient numbers of police and sufficient equipment to control speeding. I currently believe that the police, particularly on the 400 series highways, are in insufficient evidence and numbers to make much of a difference really. That's not being hard on the cops; I'm just saying that there aren't enough of them to do the job properly.

Ms Christel Haec (St Catharines-Brock): A quick question here. I'm aware that in places like Germany, where they spend a lot of in-classroom time learning about the car as well as various driving situations, the learner is required to intimately know the standard transmission vehicle as well as then possibly going to an automatic. Obviously, to take a test on an automatic is fairly easy in comparison to what happens with the standard. Would you feel that our system should also include being thoroughly checked out on both kinds of vehicles?

Mr Bickerton: I don't have a really difficult problem with a driver not knowing how to drive a standard transmission vehicle because, let's face it, there aren't all that many of them around. I don't exactly know how you would control it, but if one bought a standard transmission car, I think it would be very important to have them qualified to drive such a thing. I guess I'm referring back to maybe the person who drives a transport with air brakes. There's a special ticket you have to get to drive that vehicle. If you don't have it, you can't ride it. It's like a motorbike, which they were talking about earlier. Sure, I can run in and buy a motorbike, but I can't drive it until I have a name on my ticket.

Maybe you have an S on your ticket for standard, but coming as a green driver into a family that doesn't own a standard transmission vehicle, I really think there are better ways to spend people's effort and money than forcing that person to know how to drive a standard vehicle.

Ms Haec: I'm raising the point mainly because I do know of situations whereby young people are in families with two standard vehicles and are probably using an automatic vehicle to take the test. I would suggest that the kind of knowledge you require in order to operate the standard, which is in all likelihood the car you're going to be operating, is maybe not as good as it should be. But I may be representing a minority since I'm a long-standing standard driver as opposed to an automatic.

Mr Bickerton: I have a son who has just completed

driver training and he had an option with Young Drivers of Canada to take his test and lessons on a standard or an automatic. All I can suggest is that if the person who is qualifying to become a driver anticipates driving a standard vehicle, then why not get your S ticket right away when you learn? If you go from an automatic to a standard, you've got to run out and pass another test. I don't have a problem with that, but I don't think it would be—I don't know; I think there are better ways of spending effort at the beginning if one doesn't anticipate driving a standard vehicle then to force that person into a standard vehicle.

Mr Daigeler: Obviously, the insurance industry has been following these hearings very closely on the graduated licensing initiative because many of the presenters come from the insurance industry and we appreciate their concern and their interest.

Since you are with the Insurance Bureau of Canada, you may know: Are your colleagues in the States equally involved in this campaign? Are they trying to do the same thing?

Mr Bickerton: I honestly can't tell you, Mr Daigeler. I honestly don't know. I'm sure it would vary by state, in any event. But I know that certainly nationally, and I'm sure internationally, there's a huge concern for the huge insurance costs that are imposed upon the public by the injury rates that occur in the under-25-year category.

If any of you has got kids driving, you don't have to make too many inquiries before you find out what the costs are, and those costs aren't fabricated. If one kid in four at age 16 gets into an accident, and that's a rough statistic, that's an awful lot of kids, and those accidents typically are very much more severe than the accidents that older folks like you or me might get involved in.

I think the insurance industry, while it may sound like it wants to talk itself out of earning premium, wants to talk itself into a safer environment. Our business is the business of reducing risk and if we can do anything to contribute to that, we'll do it.

There are a lot of large dollars of savings to be made by adequately and properly training and controlling new drivers, and I'm not just talking about kids but new mature drivers as well. I had a lady in my office yesterday who actually lives in Nepean. She's from our town and she's about 27 or 28. Her husband's been driving since he was 16, and she just got her 365-day permit.

Yesterday, at a quarter to 5, she phoned our office and said that she'd just wiped out a bus stop, because she'd left the curb and cleaned out a bus stand. Fortunately, there was nobody in it. She had her 365-day permit for one week and she's not a kid; she's just a green driver. I don't know what happened because one of my assistants took the call, but it was a green driver.

We see this every week of our lives where young drivers just get—I just don't think they have enough presence to get involved in city traffic and expect to come out with any kind of an accident rate similar to more experienced drivers. So whatever we can do to control that environment I think will be money and time well spent.

Mr Conway: Do you live in Ottawa?

Mr Bickerton: No, I live in Gananoque.

Mr Conway: In Gananoque. And the basis of your recommendations around stiffening or tightening up level 2 are what again?

Mr Bickerton: I think there's too much freedom given in the level 2 area to the new drivers becoming able to operate in an unsupervised manner.

Mr Conway: So you would recommend specifically what adjustments or what amendments?

Mr Bickerton: I think they're all set out in my speech, Mr Conway. I brought six copies of it for the clerk. I'm sorry I didn't bring maybe the 20 or 30 that were needed.

Mr Conway: All right. That's fine.

Mr Bickerton: They're set out there.

Mr Conway: Just quickly then, because I don't have a copy of that, just refresh my memory again of what you consider to be the key improvements that should be made at level 2.

Mr Bickerton: One of the ones was the zero BAC requirement. I think you'll find them on page 4 of that. Zero BAC for both drivers: I think that must be maintained. Someone alluded earlier—I think it was you, in fact, with the prior speakers—to, what do we do with a driver who is in level 2 or maybe even past level 2, still under age 19 and found with blood alcohol, either as a driver or an accompanying driver? Like the prior gentleman, I don't think that should be tolerated; I really don't. I don't know why it should be. If you can't drink in a bar, why should you be able to have consumed something in an illegal manner and jump into a car and go and kill somebody? That just doesn't wash with me.

The 400 series highway situation: I just think there have to be some pretty tight controls on it. I realize the geographical disparity that Ontario is faced with, but when I drive into downtown Toronto, the first 10 minutes every time I go into Toronto, I'm just not used to it on a daily basis, and I've been driving for a lot of years, so it's tough.

1140

Mr Conway: I like a lot of this. I'm more interested from your perspective, and maybe from mine, about the kid up in Athens going into Gananoque or coming down to Brockville or perhaps coming up from Spencerville up to Ottawa.

Mr Bickerton: In what respect are you concerned?

Mr Conway: It's not a big deal. I've had a concern about the experienced driver and how tight we should draw those restrictions. I had a couple of kids on the weekend talk to me about co-op ed programs they're in in high schools. They're screwed under some of these; they just can't do it. They're 17-year-old kids or 18, and they've got cars or access to cars and their placements are 10 miles away. If we draw these restrictions too tightly, they are essentially going to have to cease and desist from any participation in those co-op ed programs at the high school level. Maybe they should.

Mr Bickerton: What happens, Mr Conway, to the kid who does not have access to the car who signs up with the same person 10 miles away in a co-op ed program? He wouldn't sign up, because he knows he hasn't got any way of getting there.

Mr Conway: No, but I'm talking about people who now under the current rules are—

Mr Bickerton: I understand. But would he or she who would be under the roughly two-year window of supervision be more prejudiced against, if you will, than the kid who doesn't have access to a car at all?

Mr Conway: There's no question in my view that yes, there is a differential impact here.

Mr Jackson: But at least they can hitch a ride. Now they won't be able to even hitch a ride.

Mr Conway: It may be that we need to do that. It's just that all of us elected officials here will get to go to the meetings in Athens to explain any differential impacts. So before I sign on for what I believe to be an important and positive initiative—don't get me wrong—I want to make sure that we've got something that's fair and enforceable.

I wanted to say to the previous speaker—he was talking about the accident rates around Ottawa and Ottawa-Carleton or eastern Ontario over the Labour Day weekend. One of the first questions I had is: Does that have anything to do with Hull's proximity? I don't know. Maybe it's a nasty question. I know something about lifestyles across these interprovincial borders in eastern Ontario, since I live at the end of one interprovincial bridge.

There are the two questions. In your view, an experienced driver, for purposes of level 1, should be as it's contained in the proposals?

Mr Bickerton: Yes, but I think you should make sure that the person can't come out of level 1 too quickly.

Mr Conway: So your view is that with level 1 you want it—

Mr Bickerton: I think in one of the earlier pages, on page 2 or 3, it referred to the number of months being as low as eight.

Mr Conway: Under the current proposal, you couldn't come out of level 1 before you were 16 years, eight months of age. You have to serve eight months in level 1. Is that too short a time, in your view?

Mr Bickerton: No. I think it's stretching the limit for the experience to be gained. I don't have too big a problem if it's a year, but coming out at eight months—obviously it's better than the system currently, there's no question, but—

Mr Conway: But I think what the committee likes about the proposal, or what I like about that proposal—it goes back to Mr Folli's testimony earlier—is the whole concept of it offering clear incentives to do certain things. The reason you can get out in eight as opposed to 12 months is if you take and successfully complete the driver ed program. Now, it may be that in your view it should be an inducement but it should be a minimum of 15 months rolled back to 12 months.

Mr Bickerton: I think that the latter would be better. I wouldn't be at all concerned with seeing a 12-month window within level 1.

Mr Turnbull: Prior to asking you a question, I would just ask, perhaps we could have one of the ministry staff up here. I have a technical question. It relates to this question of 0% blood alcohol level. I think I already know the answer to this. There are these essentially non-alcoholic beers but I believe they have 0.5% alcohol in them. I want to know whether that would affect the blood alcohol level in somebody in testing, and if so, I want to ask—can we have somebody from the ministry here?

Mr John Hughes: John Hughes, Ministry of Transportation. I'm not 100% clear on this, but my understanding of the low-alcohol beer that can be purchased at grocery stores is that it is what it says, low-alcohol beer, that there is an alcohol content. It's just under whatever the consumer standard is for the liquor industry having to sell it in the beer stores. I presume if you consumed enough of it, yes, it would be detectable under the blood alcohol machinery and equipment that's out there.

Mr Turnbull: I would like, before these hearings are over, to get some sort of technical opinion. Would one or two or three or four constitute alcohol in the blood level? I'd like to know that.

I think it was a very useful move by the breweries a couple of years ago to start pushing these near-beers. They've been sold in continental Europe for many years, and specifically they were aimed at those people who might be driving and there were others with them who might be consuming alcohol, and it was so they could be a part of a party but without really imbibing. So my question to you relates to your question about 0% blood alcohol for both the driver and the accompanying driver and what your views are on these near-

beers, because it seems to me that's been helpful.

Mr Bickerton: I'm sure it has been helpful. I'm not questioning that at all. But I think, just to give you an example, maybe if there are four youngsters going to a party someplace and the person who is newly licensed is accompanied by a person who is sufficiently experienced to be an accompanying driver and the accompanying driver and/or the driver—well, if the 0% BAC applies to the driver as it does now, that's fine, but if the accompanying driver has one or two or three of these, is he or she more likely to allow a level of noise and distraction within the vehicle itself so that the person driving can't maintain adequate control? I would submit that the answer would be yes, they would allow a higher level of din within the vehicle that would distract the driver. I've been on enough ski trips with my own kids to know that when you get three or four teenagers in a car, there's quite a level of din, and sometimes it's distracting.

1150

Mr Turnbull: That's a different matter from alcohol. I think din occurs whether there's alcohol involved or not. It was the last witness who tweaked my thought on this issue of, are we going to discourage people from drinking near-beer?

Mr Bickerton: I think if you had zero BAC for both parties in the car, you certainly would, but that's not to say that you'd discourage near-beer to encourage real beer; you'd just discourage near-beer to encourage a Pepsi or a Coke.

Mr Turnbull: You see, I've never heard of anybody being in any way impaired drinking near-beer.

Mr Bickerton: Neither have I.

Mr Turnbull: You'd be just about floating away before you'd be impaired.

Mr Bickerton: I honestly don't know how it's affected by one's size or age or whatever. I'm not sure. I'm certainly not capable of understanding that. But I would say that a zero BAC for both parties would be far better than some BAC for the accompanying driver, and always zero for the driver himself.

Mr Jackson: Mr Bickerton, your industry, perhaps not your company specifically, offers discounted insurance rates for non-drinkers. Is that not correct?

Mr Bickerton: There are a couple of selected companies that do that, yes.

Mr Jackson: I would assume that those companies offer those rates in Ontario to persons 19 years of age or older, for obvious reasons.

Mr Bickerton: Yes.

Mr Jackson: Is it not then a concern of your industry that once acknowledging alcohol consumption under the age of 19, therefore, by extension, you must offer to 16-, 17- and 18-year-olds who are confirmed

non-drinkers the same rates?

Mr Bickerton: When you talk about the same rates, I'm always a little sceptical about what you mean by that.

Mr Jackson: A similar offer to them, similar discounts for the declaration of non-consumption.

Mr Bickerton: I would say that it's a given that if you're under 19, you're not drinking.

Mr Jackson: You raised the issue that we're at conflict with the law. We're acknowledging a level of alcohol, whether it's high, low or indifferent, for someone who, according to another law, is not supposed to be consuming alcohol at all. Was that not your thesis earlier?

Mr Bickerton: If you're under 19, my submission would be that you should be zero BAC anyway and that the insurance rating of someone like the Abstainers Insurance company—I don't know how they set their rates, but I would have to believe that they would interpret that being 19, or under 19 at least, would mean that you would not be drinking when you were driving. In that particular company's case, even if I swear that I will never as an adult drink and drive, I don't engage the lower rate. I only engage the lower rate if I sign a statement stating that I never drink, and that doesn't mean a glass of wine or a beer on a hot summer day; that means never.

Mr Jackson: I understand. My question wasn't to be argumentative. I actually agree with your thesis. I'm just trying to examine its consistency under the law under the Charter of Rights, which would indicate non-discrimination if the government has acknowledged alcohol consumption. Therefore, persons who sign the same declaration cannot be discriminated against for a fee decrease. I'm wanting to be consistent, if the government is not being consistent, with blood alcohol levels for persons under the legal age of drinking in the province of Ontario. I'm not being argumentative. I'm actually agreeing with your position.

Mr Bickerton: I suppose there's an argument to say that someone who states at 16 that they're not going to be a drinker should be entitled to some discount, but I would submit that it's not the same discount someone over 19 would get.

Mr Jackson: Well, an 18-year-old can contract in this province, and I submit that there would be an inconsistency here.

Mr Bickerton: Well, maybe so.

Mr Jackson: If time prevents, Mr Chairman, fine, but Mr Bickerton, you indicated that there were the kinds of successes in other jurisdictions. I wonder if you could share with the committee the jurisdictions which you believe have achieved those levels of success, to quote you directly, "by having legislation which goes further than the one that's currently before you."

Mr Bickerton: The only one that I can—and I don't have deep knowledge of it, certainly, is New Zealand. All I can say is that I don't know all the details about blood alcohol in their legislation, but their experience seems to auger well for the existence of a tapered system of licensing.

The Vice-Chair (Mr Mike Cooper): Mr Bickerton, on behalf of the Insurance Bureau of Canada, and on behalf of this committee, I'd like to thank you for your presentation this morning and trust that you'll follow the due course of this legislation. If you have any more information that you want to submit, please submit it to the clerk.

Mr Offer: Is there a response to Mr Conway's question? Does the ministry have information on the use of cellular phones and the incidence of accidents?

Mr Dadamo: That's available if you want it now.

The Vice-Chair: My apologies.

Mr Conway: It's really Offer's question but it's a very good question.

Mr Hughes: It's a fairly short answer because we don't have that information. The problem is that our accident data are dependent on the police accident forms that are filled out at the scene of an accident. There's no provision on there for the police person to sort of check off a box that says there is a cellular phone in the car, never mind the fact that any driver, I think, who's using a cellular phone at the time of an accident probably isn't going to own up to it. So any information we have is intuitive rather than based on any facts.

Mr Conway: Does the ministry or the constabulary have any kind of anecdotal evidence? My impression is that if you drive down University Avenue in Toronto, or just about any place else, it is amazing what you see these days with these cellular phones.

Mr Hughes: We've all seen examples of that. The traditional thinking is that the person who's got a phone hanging out of one ear and a cup of coffee in the other and is steering with his elbows is probably a pretty bad risk anyway, whether the cellular phone's there or not. We are trying to monitor the situation, but the problem is that it's a very expensive research study to be able to get at that. What you really have to do is find a thousand drivers who have a cellular phone, look at their records and compare them with a thousand drivers who don't. It's a lot of money to do that. We haven't been able to.

Mr Conway: Thanks very much. I appreciate that.

Mr Dadamo: Mr Hughes, there was also something else that needed to be cleared up, I understand, about the blood alcohol content level.

Mr Hughes: Is this Mr Turnbull's question?

Mr Dadamo: Perhaps you could clear that up now.

Mr Hughes: I thought I had. Was there another

question on blood alcohol?

Mr Turnbull: Perhaps you could clarify exactly at what level it's considered that people would show as 0% blood alcohol level.

Mr Hughes: In setting the model for graduated licensing, we had a lot of discussion with staff at the ministries of the Attorney General and the Solicitor General as well as the police themselves in terms of how to make the zero BAC work with the equipment the police currently use.

Basically, what will happen is that in order to detect zero BAC the machinery will be calibrated at, I believe, 0.025 which allows for cough medicine, any other trace elements that might show up as alcohol. It allows a little forgiveness and it allows for the margin of error of the machinery. We wouldn't publicly say that the level is 0.025. For public consumption, it's still zero. But for practical enforcement purposes with the equipment that we have, it's necessary to be calibrated at 0.025.

Mr Offer: I have a question around the New Zealand statistics which have been brought forward a number of times. In dealing with the New Zealand statistics, do you have information as to the penalties that are exacted for contravention of any of the provisions of their graduated licensing, and also whether there are any penalties that are placed on underage drivers in terms of drinking while in the care and control of a motor vehicle?

Mr Hughes: If I could take the questions and make a couple of phone calls, I'm sure we have the answers. I don't have them off the top of my head.

Mr Offer: I just feel the New Zealand statistics have been used a great deal, and I think it's important that we have a fair understanding when looking at those statistics as to how those statistics are arrived at and whether penalties and a bunch of other things might be the cause of those very dramatic results.

Mr Hughes: I will endeavour to find the answers.

Mr Jackson: On that point then, as a request, I wonder if we could get our committee researcher—one these may exist but I haven't seen it and I apologize if one does exist, but a direct comparison between the New Zealand and Ontario models which incorporates the legal questions Mr Offer has just raised. I think in terms of direct comparison, in terms of penalties and repercussions, that would be extremely helpful.

My other question relates back to Mr Turnbull's and I guess what Mr Turnbull was really getting at was, let's take graduated drivers' licences out of it for a moment, but just as the Ministry of the Attorney General can state that to stay under the legal limit, one should only consume one beer in one hour, that type of thing, or two beers in two hours or whatever, they may have a comment about how much wine.

I guess Mr Turnbull was raising the question, and I

don't know the answer but would probably like one, does the government have a threshold if you're drinking these low-alcohol beers, and perhaps that can now be a third example, because I know a lot of people are now moving to this product? The government doesn't have trouble with that because it gets to tax it at the same rate as the regular beer, so it's not disappointed at all that people are buying this beer. If that figure is available from the ministry, I think it may not necessarily prove useful, but certainly extremely interesting.

Mr Hughes: We'll attempt to contact the Attorney General's staff and see if they have that comparison.

The Chair: Thank you. This committee stands recessed till 2 pm this afternoon.

The committee recessed from 1202 to 1400.

CANADA SAFETY COUNCIL

The Chair: The first witness this afternoon is the Canada Safety Council. Please identify yourselves for Hansard and proceed with your presentation. You've been allocated one half-hour, and the committee would appreciate about half of that, if possible, for questions and answers and dialogue.

Mr Emile Thérien: Our presentation will be according to the time allotted, which is very short. Nevertheless, we're proud to be here. My name is Emile Thérien. I'm president of the Canada Safety Council. To my left is Ray Marchand, who's our manager of traffic safety and training. Again, thank you very much for having us. It's a pleasure to be here. The whole issue of graduated licensing is of concern to the Canada Safety Council. Our involvement in this goes back well over four years.

I will be very brief and Ray will take a little longer than I will, because he'll go into a little more detail about what our position is on this very issue. You have our brief, and also you have a few other handouts. We want to give you an idea of what the Canada Safety Council does. A lot of our activities are in Ontario.

Briefly, the Canada Safety Council has a very broad mandate to coordinate and promote safety and accident prevention activities for all Canadians in all provinces and territories. Council programs help the Canadian public prevent accidents by enhancing safety awareness. We were founded in 1968, when the Canadian Highway Safety Council, the National Safety League of Canada and the Industrial Safety Association merged together to become the Canada Safety Council. In general, the audience is the ordinary Canadian, from coast to coast. Programs are specifically targeted to families, children, drivers of all motor vehicles and employees.

As a public service organization, CSC fulfils its pledge to accident prevention through the development of public safety awareness activities, education and technical programs and services. These activities include national safety campaigns, research and statistics, as well as safety advocacy.

Today I'd like to focus on some concerns I believe this committee can address as part of its mandate.

First, I'd like to make you aware that we have a very long-standing positive working relationship with the Ministry of Transportation of the province of Ontario. I say this because I do not want my next comment to be misunderstood or misconstrued as a complaint. In spite of everyone's very best efforts, it seems to us that progress in the area of driver training and, in addition, in the area of driver rehabilitation, takes an unreasonable amount of time to be explored, decided on and resolved. Too much time and effort are wasted on court appearances, fines and jail terms for repeat offenders, when proven driver rehabilitation programs, such as those provided by the National Traffic Safety Institute, can improve driver behaviour on our roads.

I recommend that a program to deal with traffic offenders be integrated into Ontario's new graduated drivers' licensing system when this program comes into effect. This would help drivers improve their driving behaviour through a positive attitude, before they become problem drivers.

In conclusion, I would like to stress how strongly the council feels that keeping a national and provincial perspective on traffic safety is of great importance. We must ensure that Ontario ranks among the highest in the world when it comes to the safety and security of our people.

Mr Marchand, whom I introduced earlier, our manager of traffic safety and training programs, is with me. He will now contribute to this presentation. Thank you very much for your time.

Mr Raynald Marchand: Mr Chairman and members of the committee, over the past 25 years, the traffic section of the Canada Safety Council has advocated many driver safety initiatives: driver education courses, driver rehabilitation courses, driver awareness campaigns and impaired driving initiatives. Our National Road Safety Week campaign promoting child restraints is a good example of our public awareness work.

In March 1990, the Canada Safety Council sponsored a conference on contemporary issues affecting young drivers. The target audience included provincial departments of transportation, education, health and welfare, and justice, vehicle manufacturers, enforcement officers, safety professionals, driver educators, teachers and students or young people.

The purpose was to exchange ideas, share perspectives, discuss alternatives and define realistic and achievable changes which could address the issues and concerns. The focus was on involving Canadian youth in the development of effective countermeasures, rather than viewing youth as problem drivers.

The conference objectives were defined as follows: (1) to discuss the current status of young driver issues,

define their magnitude and characteristics; (2) to identify the causes of accidental deaths and injuries to young drivers; and (3) to suggest alternatives, solutions and countermeasures to make Canadian highways safer for young drivers.

At the end of this, there is an executive summary of the conference proceedings called *Youthful Drivers: Visions and Perspectives*, which is included in the package.

The continued deaths and injuries toll as a result of traffic collisions must be addressed through the 3Es of safety: engineering, enforcement and education. The Canada Safety Council believes that a graduated drivers' licensing system could set the stage for effective licensing standards for new drivers. The Canada Safety Council, through its traffic section advisory committee, has developed the following position paper.

Of late, we know that several organizations have supported and promoted graduated licensing, and so has the Canada Safety Council, as a prevention program targeted at novice drivers. Some points, in our opinion, currently proposed by other organizations may require further validation. CSC has developed, based on the recommendations of our 1990 National Youth Driver Symposium, the following position paper on the graduated licensing concept.

(1) We believe that graduated licensing should apply to all novice drivers, regardless of age; "novice" meaning a person with no applicable driving experience. The reason for that is that the Canada Safety Council supports the initiative of graduated licensing as per the recommendation of our symposium in 1990.

(2) Increased public awareness of traffic hazards should be highlighted using public education, public awareness and national campaigns. The rationale for that is that educational campaigns to inform, encourage safe motor vehicle operation and to make the public aware of non-compliance results are paramount to a successful implementation.

(3) This is more to the driver. Restrictions during graduated licensing probationary periods should include:

(a) A zero blood alcohol content. That's a very good idea, one that's fairly self-explanatory.

(b) A realistic curfew period based on peak crash exposure data. I'll explain a bit on that. The curfew periods which do not coincide with peak risk periods are unduly restrictive; for example, midnight to 5 am during Monday through Thursday is not particularly high, in our opinion.

(c) A driver improvement program shortly prior to obtaining an unrestricted licence gives the probationary driver an opportunity to avail him or herself of advanced defensive driving concepts as an entry level to a full licence. This will contribute to a positive attitude to safe driving beyond the probationary period.

(d) A driver treatment program specifically designed for learner drivers who receive a citation for any moving violation or who are apprehended by enforcement officers for other traffic violations during probation. This is based on providing intervention training that will enable the novice to reduce recidivism once back on the roadway.

(4) Increased exposure on the part of the novice driver is necessary to ensure the learning process. Restrictions should not unduly prohibit the novice driver from accomplishing increased skills and responsibilities. To limit the novice driver's ability to expand knowledge and drive in certain areas may be difficult to enforce and have negative learning effects.

1410

(5) Penalties for minor violations should be recorded and targeted for driver training, or privileges should be suspended if they add up. Novice drivers with major violations should take the driver education program as outlined in 3 above, or return to the beginning of the probationary period.

I'd like to explain about that. If the probationary driver is forced by traffic violations to return to the beginning whenever he or she is near the end of the period, the result might be to attempt to avoid apprehension, and this could lead to serious consequences. That's why we would like to see some remedial training taking place instead.

(6) Finally, non-compliance with seatbelt wearing laws should be considered a moving violation and attract demerit points. We believe that all seatbelt infractions should be subjected to demerit points treatment, not only for probationary drivers, by the way.

This brings me to the last part of the brief, which is regarding motorcyclists. The proposed graduated licensing for motorcyclists need some modification. We're in support of it, but we believe it needs some modification.

One of the most successful of our road safety programs is the Canada Safety Council motorcycle training program. The Ontario Safety League administers and monitors the program in Ontario. The program, which trains novice riders in the safe operation of a motorcycle, is accessed by close to 70% of all newly licensed M operators each year. A significant factor in attracting such a high percentage of new riders is the fact that your ministry has granted M testing authority to those community colleges in the province that offer the Canada Safety Council motorcycle training program and are monitored by the Ontario Safety League. Under this authority, students who successfully complete training are granted their M licence by your ministry with no further on-bike testing required.

Studies published by your ministry indicate that in the past several years the rate of collisions and injuries

for motorcyclists has dropped considerably at the same time as enrolment in the rider training program has increased as a percentage of newly licensed riders. We believe there is a correlation between these two facts.

Under the proposed graduated licensing legislation, the incentive for new motorcyclists to enrol in rider training has been significantly reduced. Rather than encouraging novice motorcyclists to participate in training prior to riding, the current proposal is to offer a modest incentive to a rider once he or she has been riding for a period of time.

Study after study has shown that a new rider is considerably more vulnerable to collision involvement in the first six months of riding than at any other time. Professional rider training should be encouraged before a novice takes to the road, not after they have learned riding habits, good or bad, that may have tragic consequences.

We ask that you consider the following amendments to the draft legislation, which we believe will preserve the integrity of the proposed graduated licensing scheme, continue to treat novice motorcyclists and automobile operators in a fair and equitable manner and encourage motorcyclists at the most vulnerable period in their riding careers to avail themselves of professional training.

We recommend that:

(1) The level 1 licence duration for a motorcyclist be extended to six months with the option for a reduction to 60 days for a rider who successfully completes a ministry approved rider training program.

(2) The level 2 licence for a motorcyclist should be reduced to a minimum time period of 18 months from the proposed 22 months, which would then ensure consistency with the G class licence.

(3) The level 1 exit test should be the well-known and accepted motorcycle operator skill test II, or MOST II as we call it, which is the same test currently in use by all Canada Safety Council motorcycle training program sponsors in Ontario.

(4) The level 1 test be administered at ministry approved rider training program sites following the completion of the Canada Safety Council motorcycle training program in accordance with current practice.

(5) Instructors acting under the ministry's existing recognized/signing authority program be authorized to conduct level 2 exit tests at approved training sites for applicants who qualify and wish to obtain a fully privileged class M licence.

The Canada Safety Council believes that these recommendations, if adopted, will continue to support the declining collision rate for motorcyclists. Motorcyclists are unable to benefit from an experienced rider at their side during the earliest driving experiences. Future legislation must continue to support incentives for early

enrolment in professional, ministry approved rider training programs.

We are proud of our commitment to traffic safety and we support a graduated driver licensing system as an important tool towards safer mobility.

Mr Chairperson, members of the committee, thank you for this opportunity.

Mr Offer: Thank you for your presentation. I found it to be very helpful and dealt with not only the car issue, but also the motorcycle issue, which you brought forward in a very clear and comprehensive fashion.

Before I get to my first question, I would hope that the parliamentary assistant or ministry staff might be able to share with us whether a new form of driver's licence is going to have to be issued which will indeed show when someone first got their licence, so that if someone is stopped by a police officer, he can look at an accompanying driver and find in the licence how long that person has in fact been licensed. I do not believe that our current licence meets that test. I'd like to get some information from the ministry as to whether there are plans to change the form of licensing which will apply to all people and must apply to all people in the province.

In that respect also, I'd hope that the ministry would be very clear with us whether the four years run from the date someone is fully licensed or from the date someone gets into the level 1 system. There's a significant difference.

The third area deals with a question that I have for yourselves, and that is, you speak about the zero blood alcohol level. The problem that I have had, while agreeing with all of this, is that in level 1 and level 2 we are dealing with individuals who, by and large, are under 19 and have to have a zero blood alcohol level. The problem is that there is no penalty if someone under 19 is found contravening that and in the care and control of a vehicle.

Would you support a penalty that would in effect, upon conviction, take away their licence? There isn't anything in this government proposal to do that.

Mr Marchand: Yes. As a matter of fact, that's where in the brief I discuss the fact that when people are committing traffic violations of the Highway Code or, in that case, the licence, I would like to see that they are mandated to take a rehabilitation program or that a suspension of the driver's privileges be imposed until such time as that is.

Behaviour modification programs such as the one by the National Traffic Safety Institute go into such things as alcohol. It is built on attitude plus beliefs equal behaviour, so if we change their attitudes, then we will have some impact on their behaviour. It makes the people in the course take responsibility for their own actions. That's really the underlying part of those

programs and that's why they work so well, in our opinion. They are very well tested through an independent university in the United States.

Mr Daigeler: Perhaps, to follow through with that, that would be your only suggestion then? You're making the main point to integrate the issue of traffic offenders with the graduated licensing system and you want something done, but from what you're saying, basically you just want to have them take a course? Is that all?

Mr Marchand: What I'm saying is that there is already a regulation if they are in excess of 0.08, but the legislation currently, as it will go into place, will have to be between zero and that 0.08 limit. What I'm saying is that if the young drivers, the new drivers, because they're not only young, have a certain attitude to start with, that they think they can do this kind of thing, then just suspending their driving privileges may do very little. That's why we would like to see where rehabilitation, a driver modification behaviour type program, should go into place early on so that their attitude is a positive one as they get the fully licensed privileges. Returning them to zero every time may not do the trick. We believe there's got to be some form of intervention in the form of a driver behaviour modification program.

1420

Mr Turnbull: You mentioned in your presentation the suggestion of taking the lid off curfews between Monday and Thursday. Let us just explore that for a moment. I'm concerned about that kind of proposal because I think practically it becomes more difficult to enforce the other days if you start making exceptions.

Mr Thérien: I would agree with you. I think they are the facts of life. The volume of traffic on the particular road we mention is not very high. Certainly, Thursday, Friday and Saturday the volume grows significantly.

Mr Turnbull: That's what we're maybe aiming at.

Mr Thérien: Absolutely. No question.

Mr Turnbull: But the reality is that—

Mr Thérien: That is the reality.

Mr Turnbull: —if we start differentiating in the day of the week, I think—

Mr Thérien: Now you're looking at the problem that what we're suggesting leads to more administration, however defined. It may become a problem, but nevertheless—

Mr Turnbull: Just so that you understand, out of all the people in the Legislature, I'm the one who, more than anybody else, has been pushing graduated licences. I'm very keen on graduated licences. But we're looking at the tradeoff between enforceability and having a realistic law that's going to save lives.

Can I explore a few other questions? There's a question about seatbelts that concerns me, the idea that in the front seat, if you've got three belts, you'll be allowed to have three people across if you've got a bench seat. It seems to me that is a rather dangerous thought with somebody who is just getting used to the road. I'm thinking about introducing an amendment—it wouldn't be an amendment, because this is not a bill that we have before us, but recommending to the ministry that it change the proposed law so that only the accompanying driver can be in the front seat. Could you comment on that?

Mr Marchand: When we look at the graduated licensing, we do believe that a large number of young or inexperienced or novice drivers together in one vehicle can be a combination that will lead to excessive speed or risk-taking types of behaviour, so we would be in support of that kind of amendment.

Let me also comment on the earlier one in regard to curfews. We put in the proposal in our position paper a reminder that in order for the young, the inexperienced, the novice drivers to become good drivers, they do need experience. If we unduly restrict them, they will never acquire that experience. We have to make sure they will get that experience, but certainly we would support something where only the experienced driver, the accompanying driver, would be in the front seat. I believe that's a good suggestion.

Mr Wood: Thank you for the presentation that you brought forward. Just a couple of questions along the same lines that David has put: You're talking about new drivers, young drivers and novice drivers.

Mr Thérien: We're talking about new drivers. Let's not be coy. We're talking about that 16- to 24-year-old age group, whatever it is.

Mr Wood: The reason I was asking you for that is that I know personally some people, one person in particular, a woman who never got her licence until about 40 years old because her husband was sick and she needed the car. How do we classify these, all the same as between 16 and 24?

Just before you answer—I know Mike Cooper wants to get a question in—when we're talking about four days a week, no restrictions, three days, restrictions, would the same thing apply for 400 series highways?

Mr Thérien: Let me go back. Maybe we should have explained further. If you look at Metro Toronto, they used to talk about the traffic rush being from 4 to 8; now I think it's 24 hours a day. In the city of Ottawa, we're not there yet. In other parts of this province, there's no traffic congestion whatsoever at any time. This is a very big province. It has a lot of different interests and a lot of different people living in it.

We've mentioned the enforcement aspect. We go back to, I think, 1974 when seatbelts became law. The

enforcement agencies, the police departments did not think that was a very serious traffic violation. It took a few years for them to get on board where enforcement became—we would hope that this does not become an administrative nightmare for the levels of government, police departments and others that have become so—the police say, “What the hell, a licence that has”—you’re talking about a 60-year-old widow, a 17-year-old kid. We just hope that it does ride, that it’s sold well, that everybody gets on board and that it’s a go.

Mr Cooper: On motorcycles, when I took this training course in 1984 at Conestoga College—

Mr Thérien: Was it Canada Safety Council?

Mr Cooper: Yes. One of my instructors had the strobe light effect on the headlight, and I see that hasn’t really caught on. I notice it really catches your eye so that you know there’s a motorcycle on the road. One of the things about motorcycle accidents is visibility. A lot of times people don’t see you because you’re usually sitting in blind spots. How do you feel about identifiers for new drivers, novice riders?

Mr Marchand: Are you talking about a plate that would say they are a novice rider type of thing?

Mr Cooper: Or a vest or a big learner’s sticker on your helmet.

Mr Marchand: In Ontario, we don’t have a program that moves directly on to the roadway for continued work, but in five of the provinces we do. In those provinces, the students go out on the road in small groups, usually about four students and one instructor, and they do carry vests that say “Novice Rider.”

I have had firsthand experience because I used to do that work. It made the drivers much more aware, much more careful of those people to the point where I know of students who graduated from those programs who continued to wear a reflective vest, not one that says “Student Rider” on it any more, but a reflective vest because they felt more secure and felt that drivers paid more attention to them.

Certainly visibility, conspicuousness, which it is sometimes called, as we refer to it, is an excellent idea and it could help novice riders to be visible, yes.

The Chair: Thank you for appearing this afternoon. I certainly note that you have presented a very comprehensive brief and the committee is appreciative of that. We trust that you’ll stay in touch with the committee as we continue through the process on graduated licensing.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
HEALTH DEPARTMENT

The Chair: Next is the Ottawa-Carleton health department. Good afternoon and welcome.

Dr Stephen Corber: I’m Stephen Corber, medical officer of health for the region of Ottawa-Carleton.

Dr Geoff Dunkley: I’m Geoff Dunkley, associate

medical officer of health for the health department of Ottawa-Carleton.

Dr Brent W. Moloughney: I’m Brent Moloughney, a physician undergoing specialty training at the health department.

Dr Corber: We’ve circulated a brief that we’ll speak to, and that should take us probably about 15 minutes and we’ll be available for questions as well.

My role, first, is to provide you with a little bit of background in public health and why physicians in particular are interested in the topic. The field of public health is concerned with the improvement and maintenance of personal and community health according to the principles of disease prevention, health promotion and protection and healthy public policy.

Public health practice is a combination of sciences, skills and beliefs that is directed to the maintenance and improvement of the health of all people through collective and social actions. We use basically epidemiological analysis studying the causes of various events with a view to seeing how they can be prevented.

Motor vehicle accidents: Of course, you have a lot of statistics on where motor vehicle accidents occur, how they occur, the causes etc. We advocate both for education programs and for legislation because we believe it’s a balance of both that will get us to the end, not only with regard to motor vehicle accidents but in general. A balanced approach is something we certainly support.

The goals of public health are to reduce the amount of disease, premature death and disease-produced discomfort and disability in the population. Public health is therefore particularly interested in policy initiatives which address the important causes of mortality and morbidity.

The Ottawa-Carleton health department is a public health institution responsible for the public health needs of close to one million residents within the regional municipality of Ottawa-Carleton. Organizationally, the Ottawa-Carleton health department is a department of regional government.

1430

Dr Moloughney: In terms of burden, motor vehicle crashes are certainly an important cause of morbidity and mortality in our society and are the leading cause of death in young adults. Fortunately, overall, the mortality rate for motor vehicle crashes has been gradually declining over the past few decades. This is the result of a wide range of interventions, including improved road and highway design, improved safety features of motor vehicles, the wearing of seatbelts, less drinking and driving, and improved medical care for the injured following a crash.

Certainly, legislation has been an important initiative in the process. The introduction of mandatory seatbelt

usage in this province in 1976 resulted in a dramatic drop in mortality for motor vehicle crashes. Few of the interventions, however, have addressed the human factor in crashes.

Young drivers are overly represented in injuries and deaths. Although drivers under the age of 25 make up about one sixth of all licensed drivers in the province, they represent almost 25% of drivers killed. Here in Ottawa-Carleton, during the five years between 1986 and 1990, there were 111 deaths due to motor vehicle crashes in the 15- to 24-year-old age group alone. This was 37% of all deaths experienced by this age group. These are young lives and these deaths accounted for over 6,000 potential years of life lost. In addition, during the same time period, again for 15- to 24-year-olds, motor vehicle crashes accounted for close to 800 hospitalizations and close to 1,200 hospital bed-days being utilized.

There are a number of factors associated with young drivers being involved in a crash. Certainly crashes have a greater proportion of fatal collisions between the hours of midnight and 6 am, particularly on Friday and Saturday evenings. Young drivers in fatal collisions are almost twice as likely to be carrying two or more passengers, and while passengers can distract a driver or lead to risk-taking behaviour, having more passengers in a crash also means that more individuals are exposed to the risk of death or injury.

Young drivers are also overrepresented in accidents involving drinking drivers, and certainly inexperience in driving and inexperience in drinking are a potent combination. While the majority of collisions occur on municipal roads, highways are the leading type of road where fatal collisions occur for young drivers, accounting for 37% of all fatalities. These risk factors occur together and interact, such that an intervention strategy which address these multiple risk factors is required.

Focusing upon age alone is misleading because experience is important as well. For example, the collision rates for 20- and 30-year-old males are essentially the same during the first year after licensure, with collision rates decreasing in subsequent years for the older driver at a faster rate. This supports the concept that an increased risk of road crashes is not merely a youth problem, but rather also one of inexperience.

The concept of graduated licensing has been around for a number of years and is a gradual, step-by-step licensing process that is designed to help new drivers acquire the knowledge and skill they need to operate a motor vehicle safely. The concept has been advocated by a number of individuals and organizations, including the chief medical officer of health of Ontario, the Ontario Medical Association, the Traffic Injury Research Foundation of Canada and the Insurance Bureau of Canada.

In terms of experience, the greatest experience has

been found in New Zealand, where a graduated licensing system implemented in 1987 resulted in a drop in fatalities of 25% and the number of injury-producing crashes by 40% in young drivers in the first two years.

Graduated licensing systems have been introduced at a later time in Australia. According to the Traffic Injury Research Foundation, preliminary results there are not as good as those observed in New Zealand.

Dr Dunkley: The principle of graduated licensing is to allow inexperienced drivers the chance to gain driving experience in relatively safe conditions. When we looked at the proposed legislation, we looked at it in the light of how the proposed legislation is similar to interventions elsewhere in the world, particularly in New Zealand, which has had a proven impact, and also the practicality and the health impact.

We would really like to make two points, I think, to the committee today. The first is that the Ottawa-Carleton health committee strongly endorses the concept of graduated licensing for new car drivers. However, we do feel that the proposed legislation, while it seems to be excellent at level 1 of the graduated licensing, in our opinion doesn't provide a sufficient step from level 1 to level 2 to full licensure.

Our specific recommendations relate to strengthening that level 2 to put it more in line with a proven-effective mechanism in New Zealand and to provide us with a real two-step system. The specific amendments to the proposed legislation which we are making are the following:

- (a) That the initial stipulation for supervisors be that they be sitting in the front seat of the vehicle;
- (b) That in level 2 of the graduated licensing there be no driving between midnight and 5 am unless accompanied by a supervisor; and finally
- (c) In level 2, that there be no passengers unless there is also a supervisor present in the car.

This is based on the principle that we are trying to give the young or inexperienced driver experience in relatively safe conditions. Clearly, the evidence is that the unsafe times are between midnight and 5 am, and also if you get a bunch of young people in the car. We feel that it's important in level 2 to have those stipulations in there.

The final recommendation that we would make is just one of clarification: that the four years of driving experience could include the two years within the graduated licence. That would imply that a driver, at the age of 20, could function as a supervisor, as opposed to not being able to do it till the age of 22.

In conclusion then, motor vehicle accidents are a major cause of ill health and death in our society. The burden of this is disproportionately borne by young and inexperienced drivers. We strongly support the introduction of graduated licensing in Ontario to partly address

this major health problem. The proposed changes will bring the Ontario proposal more in line with the proven-effective program in New Zealand and would create a true two-step, graduated system.

Mr Turnbull: Having pushed for this legislation, we now have what I consider to be a very modest package. I believe we need to strengthen it. When I look at your recommendation (c), that there should be no passengers unless accompanied by a supervisor in level 2, I predict that my colleague Mr Conway is going to have something to say about this. One of the concerns that was expressed consistently in preparing this legislation is rural and northern Ontario, where there is no public transportation, and the hardship that would cause.

Clearly we can see a relationship between having cars jammed full of kids joyriding, particularly late and night and where there is speed and/or alcohol involved, but I think as legislators we have to make sure that we bring in laws which are respected, because unless they are, they will be flouted and that's probably worse than bringing in nothing. I wonder if you could just expand on your views with respect to recommendation (c).

Dr Dunkley: Yes. I think clearly that's what we're trying to do with this graduated licensing, to provide the experience in a graduated fashion but also to provide a practical level. This was our feeling, that at level 2 it's not appropriate to say there can be no passengers in the car, but we're trying to graduate from a situation where there should be no passengers in the car to one where there simply needs to be an adult in the car as well.

It seemed to us that this was a way to graduate and that this would, in most circumstances, be a practical situation. That was one of the concerns about the four years of experience, that there would need to be an older teenager, if we're talking about teenagers, of the order of age 20, and that it would start to get impractical if you couldn't have that supervisor until the age of 22.

1440

Mr Turnbull: I think it would be awfully hard to get the concurrence of people in rural areas with your recommendation (c). My concern would be that in level 2 you would just have people who would violate the terms of graduated licensing, whereas if we were to ensure that you had an accompanying driver in level 2 in late-night situations or high-speed situations or where there are a certain number of passengers perhaps—but saying just simply no passengers unless there's an accompanying driver in the whole of level 2 I think would be very difficult to enforce.

Dr Corber: Enforcement is always a tough situation. Predicting enforcement is always difficult in this legislation. We've seen it in various aspects and I'm sure you have as well, so nobody can say for sure. I think you can only look at what has happened in other areas, and we have to remember that the legislation for

the first level is lower than this. It depends on how it's phrased and how it's seen, but it could be seen to be too restrictive. On the other hand, the other level is more restrictive.

What I guess I'm trying to say is that this level has to be observed, for one year anyway. I'm not sure that there's a huge difference in the enforcement. If people don't respect the law, they're not going to say, "Now I've driven 15 months instead of nine months or eight months, so I can do it." I think there has to be a respect for the idea. My sense of it, although, as I say, one can never be sure of these things, is that it's not as though everybody's here and you're moving to here. There are some people who are really more restricted, then there's this group and then there's another group. So they may be seeing it as some degree of freedom or relaxation rather than as some degree of restriction, because people in this level will have come from a more restricted area.

Mr Turnbull: I'm from a Metro Toronto riding and I take it you all live in Ottawa, and we see this in an urban context. I don't think there's any great hardship in what you're saying for an urban context, but I suppose that my colleague Mr Wood will be commenting on the northern Ontario experience, where this might be the only form of transportation available and there may not be, for a protracted period of time, an accompanying driver available. We're looking at legislation to cover the whole of Ontario, not just the urban areas.

Dr Corber: I understand your point. I can't pretend that I really understand the way things operate in rural areas and how people will view it. I can only say that the other option is that you can drive by yourself and not take a passenger. So you can move. As I'm saying, the year before you couldn't have done it either. In other words, in your first year you couldn't have carried a passenger either. It's hard for me to judge; other people will know better.

Mr Turnbull: Let me couch the argument for that. The present system in essence will require that you're going to probably take four to six months before you get your licence, so you need an accompanying driver. In level 1, to the extent that you take approved drivers' education, within eight months you can get out of level 1. So the step is from maybe four to six months to eight months, which is not a large change. I'm not sure it's a good idea that we let people afterwards go unaccompanied on 400 highways or at night, when they haven't had experience, with an accompanying driver. But just across the board to say we won't allow passengers unless you've got an accompanying driver in the whole of level 2 seems to me rather restrictive.

The Chair: Ms Haeck, continuing on this line.

Ms Haeck: Yes, I do want to continue on this line. The riding that I represent, while it does have a fairly large urban component, also has a rural component. I

know you've all heard of Niagara-on-the-Lake, and it's not just the downtown of the old town we're talking about. You're talking about a lot of fruit farmers in the area whose children are integral to their harvesting the crop and, obviously, preparing for that harvest. Those children have to a large degree had exposure to motor vehicles long before the city folk. In talking to my rural colleagues in our rural advisory committee, that is true throughout the province.

When you're setting some of these limits where somebody is going to basically be going pretty close to two years in trying to find a relative, who in all likelihood is going to be able to fulfil these criteria too, in some respects, not necessarily just for socializing but actually to help out the family, where one member may have to be doing something on the farm and say, "Okay, John or Jane go off and do this and come right back because we need you for the grating of peaches," or something, they're more likely to be able to accept it for the shorter period of time, but I have a feeling that this is going to create some hardship for the longer period of time.

Dr Dunkley: One point that we feel is crucial in this is that to some extent we're looking at it to the extent of the health problem, the number of accidents that we have among our young people, the deaths and the injuries that are occurring, and we are viewing this initiative as a way to address that problem. If you look at the experience we have had in Australia and New Zealand, the relatively restrictive approach in New Zealand did have a dramatic impact on those deaths and those injuries. The Australian approach, which is more similar to the approach here, where the level 2 did not have these requirements on passengers and on a curfew, did not have any impact on those deaths and injuries among the young people.

It seems to me that's the challenge that you in your wisdom have as legislators, that there is a major problem in terms of these young and inexperienced people in our current system having a great number of accidents. We're looking at an initiative which is going to attempt to address that. We need to balance the inconvenience which that intervention may cause with the benefits in terms of that reduction in what's really a slaughter of our young people out on the highways.

Mr Wood: I don't know that I have a question, but I have a couple of comments I want to make. The goal of this, leading into the legislation, is to make sure that the surgeons and the doctors in this province are not going to be having to patch up as many broken bones and attend as many deaths on the highways, so that eventually, over the next 25 or 30 years, the improvements are going to be there.

There's no doubt in my mind that between northern Ontario and southern Ontario there is a difference as far as speeds are concerned, because on a two-lane highway

it's very easy for the OPP or the town police to pick people off with their radar system that they have now, whereas you can't it on multilane highways because you're putting the police at risk.

The only comment I would make is that whatever is decided on and put into legislation, I guess it has to be standard right across the province, but there's going to be some groaning guess, that northern Ontario or rural Ontario, which doesn't have public transportation systems, is going to have more of an adjustment to the way it's being implemented. Eventually, it will be accepted. But I'd repeat again, the goal is make sure we can get the amount of fatalities among young drivers or new drivers and all drivers eventually down to zero.

1450

Mr Conway: Thank you, doctors, for a very interesting, stimulating set of recommendations, some of which I like a lot, one of which gives me some pause.

You happily are the medical officers of health for the entire regional municipality of Ottawa-Carleton, right? My job in this committee is to sort of play devil's advocate in some sense, and I want to be clear. I think there is a real problem and it has to be dealt with. By and large, I accept the principle of the graduated licence and will support it wholeheartedly. But like Mr Wood, and I think others, I think there has to be one set of rules: rules that have some hope of being enforced and some hope of being reasonably accepted by the people for whom they are intended.

Having said that, now I want to come to an example. We—you as doctors and myself as an elected official—are going to spend an afternoon at, let's say for the sake of argument, the West Carleton Secondary School or the South Carleton High School, two wonderful places in your area of jurisdiction. After you give the safe-sex pitch about all of the things that we are concerned about there, because we know adolescent hormones are capable of producing some real concerns around risks—

Mr Jackson: There is a tie-in to the automobile somewhere.

Mr Conway: We don't all have the monastic purity of the member from Burlington, but we know that there, for example, we recognize that in the area of public health we've got some concerns there about the way in which young people are reacting to public education campaigns around very real, measurable risks.

So we've given that lecture. I only raise it because I was saying in the committee last week, for members who were here last week, that the Ontario medical officer of health has produced recently some really terrifying, for me, data around attitudes of young people on that account. You've all seen the recent report on Ontario behaviours in the age category 12 to 19. I looked at that stuff and thought, Jeez, that really is disturbing.

Now I come to a second category of concern, driving, where you people make a very, very powerful argument about the problems. But I'm in the West Carleton or South Carleton parking lot with these kids. I'm looking at point (c). I don't know whether you field-tested this, but it might be interesting to actually take the concept out into Dunrobin or into Richmond and say to the people for whom we intend responsible change, "What will this mean in your lives and to what extent are you and your parents prepared to make the necessary adjustments because this is good for you?"

We all want to do it, but it's sort of like the safe-sex message. "It's really important that you hear this and react accordingly. We're going to legislate and do this. What is this going to do to your daily lives? How relevant is this and how reasonable is it?"

My worry, like Mr Wood's, is that it just may not accord with reality for those people, excepting that they will I think endorse change to increase the level of restriction and stringency around licensing.

Dr Corber: I can make a couple of comments about that which I hope might encourage you. I think first of all there's a question of a short-term view versus a long-term view and a pre-imposed kind of attitude. I think while we're looking at people today who might be quite upset by a change, once the change is implemented, once it's there, five years from now it'll be normal behaviour. We've seen it with smoking in movie theatres, in banks and post offices, which is unheard of now but at the time it was an outlandish proposal. It's the same thing with the acceptance now of seatbelts. At the time, people were saying, "Oh, we've only got 20% of people who will do this," but now you watch people and it's a pretty normal thing.

I think we worry too much sometimes about enforcement. Basically our population is law-abiding and they accept good things.

Another difference here, I think, from safe sex, if that's an example, but just something to look at anyway is the idea that kids already look at driving as a privilege and feel it is responsible. Not every child and not every case, but they don't view it the same way they do some other things. They know there are certain things they have to do in order to get a licence and they learn in school about it. Many kids know the 365 that you need, and you have to take the course and you have to do it. They don't all do all the things they're supposed to do, I'm not suggesting that they do, but this is a privilege to drive, and I think new drivers see it pretty well that way.

I think putting some measures in which—I think they're more readily acceptable in this kind of context than they might be in other kinds of areas, because you can go get a pack of cigarettes or, obviously, have sex without having to get a licence. So this is really quite a different kind of environment, I think.

Mr Conway: I guess I'd say this, and I appreciate what you've argued here, my feeling is that in parts of this province—again, I like to take the map of New Zealand and the map of Ontario and put them up on a wall and say, "Do you notice anything different about these two geographies?" Because you might.

My impression is that in this province and in this country, where one of the fundamental realities is the tyranny of distance, for a lot of people a long way away from any kind of urban environment, driving is not a privilege, it is a necessity. You find the most remarkable stories about people. The farm members: Bill Murdoch, the member for Grey, has been here and he's been telling us some very interesting stories about the reality of kids growing up on a farm. It's absolutely irrelevant if you live in Pembroke or if you live in Ottawa, but I'll tell you, if you live out in rural Lanark, and I don't but I represent a lot of that territory, that's just part of the reality.

I guess that's my point. I understand what you're saying about the privilege, and I accept it to a real extent, but I've got to tell you, my sense of it is that if you live in Stratton or Emo, in the Rainy River district, boy, don't lecture me about a privilege. It is an absolute necessity. There's no way you can live.

Dr Corber: Perhaps I used the wrong word calling it a privilege.

Mr Conway: No, I think you used the right—

Dr Corber: What I mean is that people see it as something that they want to do and maybe need to do and see it as a positive thing that they need to do.

I would use the converse, though, and I think we have to be careful here. If you put up a map of Australia, it may not look that different from Ontario, and the fact is when they didn't have a more restrictive approach, they didn't really cut into the—

Mr Conway: But where do 90% of those Australians live?

Mr Daigeler: Just briefly, I wanted to say that we appreciate you as a department, in fact both the medical officer of health and the deputy medical officer of health, coming on this item. To my knowledge, it's the only department which as such is officially represented. We did have a public health nurse in Toronto, but I think this falls very much within your mandate and I appreciate you coming forward and sharing your concerns with us.

Have you as a department had any kind of pressure from the public for the graduated licences? Since this was announced, I as an MPP have had letters, but I'm just wondering whether there has been any kind of public call for it that you are aware of.

Dr Corber: I haven't had any in my office. Geoff, did you get any?

Dr Dunkley: We have had some contact with parent

advisory committees in Ottawa and there has been some interest expressed. We have just actually conducted what we called an adolescent plan, our strategic planning around how we really promote the health of adolescents here in Ottawa-Carleton, and talking a lot with the young kids as well as their parents. The whole issue of alcohol as an issue in their lives, and accidents, was something that did come out of that exercise, that the kids and their parents do see it as a problem.

Mr Daigeler: Could I just ask in relation to this, because my time is quickly running out, as part of the teaching of the public health nurses in the Ottawa-Carleton area, do you also emphasize the safe driving aspects? This nurse who came to us in Toronto for her board that she works with said they're doing that. She said it was something new, but I thought it was very exciting, because very often in these hearings people said education, motivation, attitude change, that type of thing is extremely important, and I could see a role for the public health nurse in that regard. Are your people involved in this?

Dr Corber: To date most of our education about safe driving has been about bicycles and helmet use rather than motor vehicles. There may be a role for us, that's quite true, but to date we've been mostly on the policy level rather than—

Mr Daigeler: I would certainly encourage you to take that up.

The Vice-Chair: Gentlemen, thank you for taking the time out of your busy schedules and coming here and expressing your concerns on public health.

1500

JOHN AND FRED DONKOR

The Chair: Fred and John Donkor, good afternoon and welcome. You've been allocated one half-hour for your presentation and the committee would appreciate about half of that time, if possible, for questions and answers and discussion. Identify yourselves for Hansard and proceed with your presentation.

Mr John Donkor: The need to reduce accidents is recognized by us. We're not convinced about the statistics used to support the proposed system but will not dwell on that. We believe road accidents can be reduced by other means than the proposed system, which we consider unfair to perhaps the majority of new drivers.

Our concerns centre on the following aspects of the proposed plan: the time it takes to be fully licensed, the ban on driving on 400 series highways etc and the ban on driving between midnight and 5 am.

Driving is a privilege which goes with the responsibility. We admit not all new drivers have been responsible, especially younger drivers. Most accidents happen because of lack of responsibility, not lack of experience.

We are not opposed to the experienced drivers

accompanying new drivers. We are merely saying that 8 to 12 months is too long. Twenty-two months for the whole process is also too much. We are also not sure how the length of time a new driver is accompanied translates into responsibility.

Most of the requirements for level 2 are currently illegal anyway, except for the alcohol content, which is illegal for those new drivers under the age of 19. Experience has little to do with respecting the law; enforcement would.

We believe that with the right type of intensive driver's education, the time can be safely cut four to six months.

The experience of the accompanying driver should be less than four years, perhaps two years. After all, if you assume that the new system would work well, then we should have competent drivers after two years.

All drivers have to use most roads some day. It won't be right to have someone serve 8 to 12 months and all of a sudden be thrust on a four-lane highway. If new drivers are taught properly, including some road experience on major highways, there will be no need for this restriction.

For those of us living in rural areas, such as myself, this is the worst restriction of all: the ban between midnight and 5 am. To be restricted for so long in areas where public transportation is non-existent is not only unfair but inconsiderate. New drivers who seek employment or are employed could be at a disadvantage compared to those not caught by the system who would have more flexibility in terms of hours.

Our alternative recommendations are: Make driver education mandatory and more intensive. Students spend too little time on the road and most of this time is spent on back roads. Road-testing should be more stringent, including some time on major highways where possible. There should be zero tolerance for drunk driving. Automatic suspension may get the message across. There should be zero tolerance on carrying too many passengers. Here again, enforcement with heavy penalty would help. There should be a minimum of four to six months between obtaining a learner's permit and taking the road test.

The Chair: Could you repeat that recommendation?

Mr John Donkor: There should be a minimum of four to six months between obtaining a learner's permit and taking the road test.

The Chair: Thank you very much. Do you have further on your presentation?

Mr Fred Donkor: No, that's really it.

The Chair: Okay. May I ask, with the indulgence of the committee, would I be safe in assuming that you are a student?

Mr John Donkor: Yes.

The Chair: Would I also be safe in assuming that you are a new or potentially new driver?

Mr John Donkor: Yes.

The Chair: The reason I raised that is that it has been often said in this committee that we have not heard enough from students and from potentially new drivers, people who will be affected by this legislation. I am, for my part, and I believe on the committee's part, delighted that you're here. We can have some meaningful conversations and discussion.

Ms Haeck: You mentioned in your presentation that you were living in a rural area; I would assume somewhere in the environs of Ottawa-Carleton.

Mr John Donkor: Yes.

Ms Haeck: One of the recommendations that doesn't sort of catch all of the seasons of the year would be the fact that if, let's say, you came up for your licence in April, or at least you started the process in April, you could be finished it before the major winter season that's here in Ottawa. Some of the kind of experience that I think the legislation is really trying to hit is all seasons of the year and giving people like yourself a good practical and well-rounded approach to driver's ed. What would be your response to that observation?

Mr John Donkor: Well, I do agree, I think drivers should be tested in all—most of all in winter basically, and summer, because summer is usually when everybody wants to get their licence. I have friends who would turn 16 in January, but wouldn't want to take driver's ed, wouldn't want to start until July or August for the fact that it's easier, probably, to obtain your licence in the summer than it is in the winter.

To that, I would say, we need more intensive road tests. I think we have to have road tests—two sets of road tests would probably be appropriate because I think we do have to gain experience in the winter.

Ms Haeck: One of the problems is that if someone has gone through the process in the way you are describing it so far, they would be a fully licensed driver within about six months. Then it would be rather hard, unless that person had committed some sort of infraction, to sort of bring that person back in to be retested because they have—the way the system has worked so far, once you have that licence, unless you have a certain number of points against you, the system doesn't catch you again. You would have to, in some way, address the fact that even—there would have to be some sort of a modification and your recommendation is to sort of catch those people again and it would then, I think, be administratively difficult to make sure you got everyone.

Mr Fred Donkor: Yes, I was just going to make a comment on that. I believe you can still give people the licence. Let me backtrack for one moment. I'm not sure whether we have the statistics to prove that, let's say,

more accidents by new drivers happen more often in summer than in winter. My own suspicion is that this is the case. Even though driving in winter is more treacherous, there are likely to be fewer accidents in winter than there are in summer.

As I said, I don't have any statistics to prove this and, therefore, in that case the question of education comes in. You have your driver's licence. Some of it may overlap the six months in terms of having somebody to accompany you and so forth, but even if it doesn't, I think a lot of reinforcement will make people driving in winter, the new drivers driving in winter drive more carefully.

I guess our whole thrust basically is the fact that the institution of this, the proposal for this new system basically indicates that there is some failure in the system and the failure is the fact that as far as we can identify, driver's ed is not good enough. The current intensity of the driver's ed is not good enough. How many hours do they spend on the road? You spend a few hours in class, you spend a few hours on the road and you are let go on probation. I don't think that's good enough.

1510

Mr Wayne Lessard (Windsor-Walkerville): In response to the Chair's question, he asked if you were a student and you said yes. I assume that today is a school day, so I hope you're not going to get in any trouble for being here.

On a number of occasions during your submission you said, "we feel" and "we recommend," and I wonder whether this is something that you've had an opportunity to speak with your classmates about and whether you're speaking on behalf of perhaps your student council or some committee at school, or whether this is something you've come up with on your own.

Mr John Donkor: It was actually, I think, CTV that broadcast—they were notifying that graduated licensing might come in and they explained the proposed plan. At that time I was shocked. I heard rumours about it, but sometimes you think things like this will never go through.

Ms Haeck: You're keeping your fingers crossed.

Mr John Donkor: Exactly. A number of my friends and classmates had seen that and there was a big—people were misinformed, the media totally blew it up. There are some people, first of all, who think the system is two years of driving with their parents strictly. They don't know the facts. One thing my dad and I sort of were saying about this is that the reason a lot of kids aren't—you're not hearing feedback from the kids because they don't believe it's going to go through. It's culture shock; it's going to go through. Something is going to be changed; there has to be change.

In regard to your question, yes, before going into this

I asked my friends what they thought about it. I live in Stittsville, which is a rural area. It's growing but it's still a rural area and the transit system is non-existent. Stittsville is part of Goulbourn township, and Goulbourn township consists of Stittsville, Richmond, Munster hamlet and Ashton. I'm sure there are maybe other little communities in there, but I moved to Stittsville from Kanata.

A lot of them work in town and they find it inconvenient to get their parent to drive in and out and all that, and they are hoping when they are 16 to maybe get their licence. It would be kind of the end of that, but with this it's dragging this on and on. They feel it's unnecessary and they refuse to be judged by those who are older than them just because—everybody is an individual, right? They just think if some people are going to be irresponsible, that's their problem. We're normal; we're going to be okay.

Mr Lessard: If people are irresponsible on the road, that has an effect on other people most of the time. I just, in closing, want to say I admire you for having done your homework on this one and you can advise your friends that you're right, that this is probably something that is going to go ahead and you can play a role in providing further information to them. So thank you for coming today.

Mr John Donkor: Thanks a lot.

Mr Conway: I'm very happy to see you. John, is it?

Mr John Donkor: Yes.

Mr Conway: Stittsville, just beyond the fringe. Isn't that the old ad?

Mr Daigeler: That's the really old—

Mr Conway: I know. Now, John, which high school do you go to?

Mr John Donkor: I go to South Carleton High School.

Mr Conway: Your medical officers of health for the regional municipality of Ottawa-Carleton—very fine fellows, were just here—made a presentation and I want to pick up on a couple of aspects of it, but I really appreciate your coming and Mr Lessard made a very good point in his last statement by saying that when you drive there are implications for not just yourself, but others.

I could say for the committee that you better go back out there to Richmond and tell your pals, anybody else who cares to listen, that something significant is going to happen and that they better prepare themselves for it because, as a class, young people, as inexperienced drivers, obviously on the basis of all of the stats have some real problems. So we're here from the government and we're here to help you fix that.

Now, I'm interested to ask you about a couple of things. You know about the way the proposal is

intended, level 1 and level 2?

Mr John Donkor: Yes.

Mr Conway: Your medical officers of health suggested that the committee amend the current proposal to provide, at level 2, that there be no passengers in the vehicle that you as a level 2 driver are driving unless there is a supervisor, which really means under this proposal of theirs, an adult, in fact at least somebody 19 or 20 years of age.

I want you to help me because I was using the example of your high school. What's that going to do to the way in which students at South Carleton who have cars or who have access to cars behave? Is that going to really be a problem?

Mr John Donkor: Behaviourwise, if you're asking if it would tame the reckless driving or tame kids from speeding and stuff, it would. I can't sit in one seat and be going out and try to race somebody next to me with my dad there. That doesn't make sense.

The Chair: You could, but likely only once.

Mr Conway: Are there many students at South Carleton who, on a typical afternoon, are driven home after school, say, a 16-year-old who's been driven home by a 17- or 18-year-old older brother, sister or friend?

Mr John Donkor: Yes, there is a lot of that.

Mr Conway: Because you see under this proposal, that would have to stop.

Mr John Donkor: Exactly.

Mr Conway: Unless there was an over-20-year-old in the car. Would that be a problem?

Mr John Donkor: That definitely would be a problem.

Mr Conway: But a big problem or an isolated problem?

Mr John Donkor: I think that would be a very large problem. We'd have problems. Our school parking lot is packed. It's packed basically. A lot of kids drive to school. Think about it, if you were a kid, how inconvenient that would be.

Mr Conway: But if we tell those students that, listen, these are the numbers—and your medical officers of health have made an excellent presentation to us citing the statistics and they're very worrisome. So if I went out there to South Carleton and said, "Now John listen, it's tough, but it's tough for a reason and you are going to have to change the way you behave and we're no longer to allow anybody to drive anybody out of the parking lot at South Carleton effectively unless there is an adult with them."

Mr John Donkor: When you say, "You have to change the way you behave," you're addressing the drivers a year before me, drivers who have taken driver's ed and finished before me. I'm a totally different person and I just know what I would do and what I

wouldn't do, and I wouldn't put my or anybody else's life in jeopardy when driving them to school. Is that enough? Is that okay?

1520

Mr Conway: Yes, thank you.

Mr Daigeler: I live in Barrhaven and I've been trying to convince my colleague here from Renfrew North that the situation in Barrhaven isn't really that different from the rural part. Stittsville, of course, is not too far from Barrhaven. The reality of this change will hit home to where I live just as much as it will hit home to you, perhaps a little bit more in John's area. But I'm not convinced that it is that much harder, because my kids drive from Barrhaven to the K mart at Bells Corners, and it's quite a distance. So there will have to be some sacrifice and some adjustment.

However, I should tell you that most of the presenters in these hearings that we've had so far have been arguing for a much stronger system. In fact, when you said that the kids were afraid that they'd have to drive for two years by their parents, more or less this is what people have been arguing. They have said to the government and to us, "Make this much stronger than the way it is." The people who have been saying this, and frankly I am touched by that, are people who have been involved with those who have suffered from the accidents.

We had somebody here this morning who was in an accident, who was hit by a young driver and whose life has been ruined because of it. We've had people from the insurance industry who deal on a daily basis with these accidents. We've had medical people, we've had the coroner and so on, all people who have seen the results of the accidents. I think they're making a very strong point that if we can save some lives and some injuries, it's more than worth the inconvenience that's going to be on you.

By the way, my youngest daughter—the two other ones are pretty well through it now, but I still have a daughter who's 13, and it makes it worthwhile. So I'm asking you whether you are aware of any of these accidents that have happened in your area recently and how that may have impacted on the students at your school.

Mr John Donkor: Yes, every year our school is probably notorious for having at least a death. I'm in grade 10, actually. I was in grade 9 last year. The death didn't have anything to do with a car accident, but the year before, apparently, an older student—I think he was in grade 13 or grade 12—had been involved in a collision, I think, and it affected the school. A lot of people were hurt and things like that. But from what I heard, he was speeding. He was being irresponsible himself. He didn't have any passengers with him. He was just being irresponsible by himself. We all felt bad and stuff, but things like that shouldn't go on. You

shouldn't jeopardize other people's rights and privileges.

Mr Fred Donkor: It seems to me—and again, it's just an observation in general—that most of these accidents tend to be alcohol-related. In fact, I think in the documentation that we obtained, they did indicate the fact that most of these accidents tended to happen on Friday nights and Saturday nights. It's obvious to me that most of these are kids who want to have fun and end up overdoing it.

My concern is that I think there should be more, as we said, enforcement. If you are told, for instance, that if you are caught once, there is no warning, you won't drive for the next five years, I think you would think twice before getting behind the wheel drunk, especially when you are a new driver.

The other day, in fact yesterday, a parent was telling me about some kids who went to a party overloaded the car, not only inside the car, but had people in the trunk. Suddenly, they spot a policeman and begin to panic: "Tell the guys in the trunk. Close the trunk." I mean, this is ridiculous. They know it's illegal. Whether you are 16, 20 or 50, it's illegal to pack the car. If again they are aware that if you are caught for something like that, that you are finished for, say, five years, I think they are going to listen.

The unfortunate thing is that of course rules have to be made to protect everybody, and I do realize that there's a lot of cost to injuries and to the public system for injuries and death and so forth, but I don't think all young people or young drivers—I think we can face the fact that the target seems to be young people, regardless of the fact that there are some new drivers in other age groups—are all that irresponsible. I think we have some bad apples who are making problems for the whole group and that's the part that I object to.

I definitely would like to see my kids, and I have three of them, drive normally and I think they are very responsible people. I have two kids who've passed through this stage and for the past five or six years have not had one single accident. It's that responsibility. Unfortunately, you can't say the same for everybody and that's just, I guess, the unfortunate part of this whole thing.

Mr Jackson: Thank you, John, for your presentation. I jotted notes down as you spoke and you identified the three reasons you object to aspects of this legislation: the length of total time—8 to 12 months—the ban on the specific highways and the ban on evening driving. Those are the three you identified and then in your recommendations, you mentioned zero tolerance of alcohol, zero tolerance of additional passengers.

I want to revisit that because I think the committee may get a sense, from discussing your reference to your parking lot and the inconvenience—I want to explore a little more carefully your thinking behind the zero

tolerance on passengers. Can you comment a little bit further on that?

Mr John Donkor: First of all, the zero alcohol—you're talking about the—

Mr Jackson: That one I understand and I'm just wanting to pursue this because, as a young future driver, your presence before the committee is very important. I think during your questioning and responses you may have indicated that additional passengers could be warranted under circumstances.

I get a sense from you that if certain things are upgraded and you reduce the amount of time of probation, you might be able to live with zero passengers, and I get a sense of that. I think that this is a fairness principle, instead of protracting the process to two years and saying, "No passengers," whereas the system suggests you can have passengers. I just want to get a sense from you how you feel about that.

Tomorrow this committee's going to hear from families from my community. The driver of the vehicle—he had received his licence the same day—and four young students all burned to death. He couldn't retrieve them from the vehicle. He had to sit and watch them burn to death, and they were alive as they were burning. We will receive that presentation tomorrow in St Catharines. So there's very compelling evidence on the risk factors associated with the person behind the wheel who is better protected, in many instances, than the passengers who in some instances are trapped and die in a variety of means.

So forgive me for suggesting that you may have changed slightly in your response to Mr Conway's question. I wanted to put a more exact point on your reference to how you feel about additional passengers being in the vehicle with you as a young probationary driver as opposed to, for example, just being in the car with your father as that person with the experienced licence and supervising you during your probationary period.

1530

Mr John Donkor: First of all, if I was driving with my father for the first two months of this proposed plan and I felt and my dad felt that I had gained confidence and I had gained skill enough to carry passengers, I guess you could say, with his supervision, that would be my certain case. Some people wouldn't—what was I trying to say? What I'm trying to say is there are different scenarios everywhere. Different things can happen. That's unfortunate about the family in St Catharines, but that is rare. It is obviously rare. A lot of accidents are rare.

Mr Jackson: Thank you very much, John. I think my colleague had a brief question as well.

Mr Turnbull: You mentioned mandatory driver education. One of the concerns is the availability of it,

not in areas like yours, where you're within striking distance of Ottawa, but in really rural areas and in northern Ontario. There's also the question of hardship, if there's a very poor family, as to whether they can afford it. Could you just comment on that for a moment?

Mr John Donkor: First of all, maintenance of an automobile is very expensive. It costs money to drive a car around. I mean, you have insurance, you have maintenance bills, you have gas, you have everything. So the way I see it is, if you have a car and you are able to insure it and all that, you should be able to purchase, first of all, your own safety. A driver education course is for safety reasons. For a family not that well off, first of all, driver's ed is a discount on insurance, and it would only be for the betterment of the driver, whoever is driving.

Mr Turnbull: Let us assume that the legislation, essentially as you now see it, goes through. There has been some suggestion of exemptions being granted in level 2, and we haven't worked it out yet, for education and employment purposes. Do you think that would work to solve your problems and still leave it at the one year or eight months for the first level?

Mr John Donkor: The first eight months, first of all, is basically where a lot of people have problems. Level 2, I frankly don't understand. First of all, like I said, some of the restrictions in level 2, for a person my age—there's a zero alcohol tolerance. First of all, I'm not supposed to be drinking anyway. The drinking age in Ontario is 19 years old and I'm not supposed to be drinking anyway, yet there are still police who will let you off on things like that.

Mr Turnbull: Really? You find that there are police who will let kids who have been drinking—

Mr John Donkor: They won't breathalyse you; they'll just move you on, I guess.

Mr Turnbull: You know of circumstances where that has happened?

Mr John Donkor: From word of mouth, kind of. I've overheard people saying: "Yeah, I was pretty drunk. I had to get home so, you know"—kids have ways to get around things. Somebody will grab a piece of gum to cover their breath, because that's usually how policemen will know if you're drunk or you're not, right? People just avoid it somehow.

But can I get on with my other ones? The carrying a passenger business, first of all: What I believe, what I've heard, is you're not supposed to carry any more passengers than you have seatbelts.

Mr Turnbull: Seatbelts. That's right, yes.

Mr John Donkor: I don't understand, first of all, if that is already a law, why it is not being enforced.

Mr Turnbull: Good point. We had the same question.

Mr John Donkor: The other one was to drive class G vehicles only, I believe. I'm not going to go out and drive a Mack truck or something. The way I see it is, basically, what's the difference between me having my full license and being in level 2? Is it a probationary process where if I get into an accident, my level 2 time is going to be extended? Or, depending on circumstances, is it going to be left normal?

Mr Turnbull: John, that's one of the things that some people have been suggesting. In fact, there has been the suggestion that if somebody was involved in some problem which was of their own making, they might be bounced back from level 2 to level 1. But the idea is not to make this a punishment, but to make it part of a learning process, because the fact is that your age group, 16 through 24, is way overrepresented in the statistics. It's something that we can't hide from.

You may say, "Gee, I'm a safe driver." But unfortunately, when you write the law, you can't say, "We'll apply this only to the people who are unsafe drivers," because I've never come across anybody who will admit to being an unsafe driver, although I've met a lot of people who tell me they are a safe driver. So that's not a very good test, and that's the basic problem. We have an unusually large number of fatalities and serious accidents among the age group 16 through 24. In fact, it's the greatest killer of people in your age group.

There was one presenter the other day who was suggesting that in fact all the other accidental causes of death of young people combined are not as great as road accidents. That is the reason we're looking at this legislation.

Mr John Donkor: I think the majority of accidents with young drivers are probably, as my dad said, alcohol affiliated. I think there has to be more of a restriction on things like underage drinking.

Mr Turnbull: Our sense is that's improving quite a bit, John, in your age group, the incidence of people drinking and driving, don't you think? Speed is another factor.

Thank you very much for coming forward. You're the only young driver who was in the system who could be affected by this legislation who has come forward so far, so thank you very much for your opinion, John.

The Chair: John and Fred, on behalf of the entire committee, thank you for appearing this afternoon. Your input is very valuable. You can judge by the level of interest in what you've had to say that we are indeed interested in views from people such as yourselves.

I congratulate both of you for doing what I think is a very responsible thing and something that I wish more people would do, and that's get involved in participating in the process. I commend you for taking the opportunity to come as father and son and deal with an issue that I'm sure is one that, as much as it's a government issue,

is likely a kitchen table issue as well.

There is written transcript of these proceedings. I would encourage you to stay in touch with the clerk of the committee, who can provide those written transcripts of your testimony that you'll be able to refer back to. Thank you very much for being here this afternoon.

Mr Wood: I just want to know if I can get some clarification from either the parliamentary assistant or the Ministry of Transportation on the regulations, in that if I'm driving a car, I'm responsible for children up to a certain age—I'm not sure of that age—but a driver who has a whole bunch of adults in the car is not responsible for how many people are in the vehicle. Individuals are responsible for it. I just want to get clarification on that.

The Chair: Did you wish to clarify that now or do we want to hear the next witness, who is likely waiting and has been for the past 10 minutes?

Mr Dadamo: I'll only be about 30 seconds. What I'd like to say is that I'm under the impression that if people in the car under 16 are not wearing seatbelts, then the driver is responsible, but over 16, you're individually responsible. But we'll get clarification on that for you and get the legalities of it.

1540

LORRAINE LACHAPELLE

The Chair: Lorraine Lachapelle, good afternoon and welcome. I apologize for the delay, but we'll try to move on as expediently as possible.

Mrs Lorraine Lachapelle: My name is Lorraine Lachapelle and this is my husband Mike.

First of all, I'm speaking as the mother of three teenagers, and I'm nervous. I've prepared this, so I'm just going to read from it, okay?

The Chair: That's fine.

Mr Conway: No need to be nervous.

Mrs Lachapelle: Right. Easy for you.

Graduated licensing of some form will provide a system which will give novice drivers the time and opportunity to gain essential practical driving experience in a stepwise manner under conditions of reduced risk.

The basic points of the graduated licensing are 0% blood alcohol level—I know it's not quite 0% but I'm rounding it off; refrain from driving on 400 series highways; refrain from driving between the hours of 12 pm and 5 am; limiting the number of passengers they carry to the number of seatbelts in the vehicle. The fact that novice drivers will gain valuable driving experience with these restrictions in place is not to be disputed, and the gradual earning of extended privileges to new drivers is a step in the right direction.

However, I am in disagreement with the proposed restriction in the first level that a novice driver be accompanied by a fully licensed driver with at least four

years of driving experience. I feel this restriction in many circumstances will restrict the actual hands-on driving experience a novice driver could hope to gain.

My opposition also lies with the definite restriction to employment and educational opportunities—for example, colleges—caused by the lack of adequate public transit such as urban areas enjoy. Due to the fact of no public transit coupled with this proposed rule, our youth are denied their right to compete equitably with their urban counterparts in the area of either part-time or full-time employment opportunities.

According to Transportation critic David Turnbull, the proposed program is “too little, too late.” And David, I’m taking this out of context, but there’s a purpose—oh, he’s gone. All right.

Mr Turnbull: I’m here, right now.

Mrs Lachapelle: Oh, it’s you. I thought it was the next fellow. All right, I put a face on the name. I’m taking this out of context for a reason, okay?

If we were to expand on this for a moment, he has a valid point with regard to the “too little, too late” concept. There is no legislation or guidelines, and never has been, in place as to the amount of allotted driving time a student must complete through driver education courses. The driving schools themselves have deemed it sufficient time that 25 hours of class time and roughly 11 hours’ actual—and I really stress the actual—driving time should be sufficient.

To take this one step further, the proposed graduated licensing system is considering it an option rather than mandatory for a novice driver to complete a driver education course. Maybe too little is being emphasized during these courses on the real time allotted to students on actual driving time experience. Is this not the perfect opportunity for a student to gain invaluable experience with a licensed instructor? Is that not the whole point of graduated licensing, to give novice drivers the time and opportunity to gain essential practical—and I keep stressing the word “practical”—driving experience under conditions of reduced risk? What better time than more quality time spent with an instructor?

Another point that might be brought to light would be to consider the actual time that is given to driving tests. The time now ranges from 15 to 20 minutes. Is this time allotment enough for a tester to determine if the novice driver has mastered good driving habits?

I bring both these valuable points to the surface because maybe if some kind of legislative time had been in place for both these issues, preventive measures, we might not be experiencing such high statistics in regard to new drivers being involved in accidents.

At the present time, a multiple choice test is required to receive your 365 learner’s permit. After having accomplished this, you can take your road test with a licensed examiner. There is no monitoring system in

place to guarantee that a new driver is gaining the much-needed driving experience before receiving his or her licence.

With the proposed graduated licensing system, in order to enter level 1, the class G driver would have to pass a written test of their knowledge of the rules of the road. On having accomplished this, they would then be given an 8-to-12-month time frame to gain valuable driving experience before progressing to level 2. But this much-needed experience can only be gained with the further restriction in place that the novice driver be accompanied by a licensed driver with at least four years’ experience.

With this proposed rule, we still do not have a monitoring system in place as to the actual driving time experience a novice driver could hope to gain, and one might be very sure that the time would be even less, due to the fact that 71% of our families are dual-income earners, which translates into less free time available to drive with our novice drivers. In reality, what we would be experiencing is parents driving their teenagers to their destinations for the 8-to-12-month period.

This restriction further prohibits the novice driver in level 1 the unique opportunity of having a new driver who has successfully completed an approved drivers’ education course in the passenger’s seat, such as a sibling who would be in possession of a driver’s permit but would still not qualify because of the four-year stipulation.

These new drivers, having completed a drivers’ course, are keen on sharing their newly found knowledge on good, safe driving habits, and are extremely aware of the rules of the road as compared to most of the so-called experienced drivers—myself, having driven for 23 years, there’s a lot of things I’ve forgotten—who have been driving for so many years that driving has become second nature to us and a lot of the basic good habits have been forgotten.

As an alternative to having a four-year licensed driver, I feel it would be more beneficial to the novice driver if a provision were in place to require a novice driver to be accompanied by either a licensed driver with four years’ experience or a new driver with successful completion of an approved drivers’ ed course.

In finishing, I feel we need to see more preventive measures in place rather than simply keeping novice drivers off the road. In doing so, all we will be accomplishing is the fact of having older, inexperienced drivers on our roadways. New drivers are less likely to become involved in a collision if the new driver gains experience gradually. If too many restrictions are in place, we are defeating the purpose of making available valuable hands-on driving experience in a reduced-risk atmosphere.

Mr Conway: Very quickly, because we have a time

constraint. I gather what you're saying here is two things: First, be careful about the urban-rural split, the problems of areas like Spencerville; but secondly, if you had your way, there would be a mandatory but quality drivers' ed program. That's the key recommendation, is it?

Mrs Lachapelle: That's right. I feel if that was in place, there might not be this restriction of having that four-year—I don't know: Am I supposed to be talking now or not?

Mr Conway: Yes, absolutely.

Mrs Lachapelle: I've got three teenagers. When our oldest got her licence, both my husband and I felt: "No, we've been driving a lot of years. We're not going to take you out and drive, as my parents did, as Mike's parents did. No, we're not going to teach you the bad habits." And we do have bad habits. Maybe I haven't had accidents, but there are a lot of things I don't do that I wasn't even aware of.

After Shannon had come home from having taken the drivers' ed, she was really keen, to the point where she was almost a backseat driver with me. She would say: "Come on, Mom. What about that emergency brake? Let's get it on. Come on." That's just one in a lot of things. She's so much more cued in terms of defensive driving than I'll ever be, and I've got 23 years. They really concentrate on that in the course she took. As you say, if a good one's in place and maybe more time spent in it, I feel they're as good and better than what I can offer.

1550

Mr Daigeler: Just very quickly, how many of the young people in your area would you say do take these courses? Could you make a guess?

Mrs Lachapelle: I'm not going to throw a number out because I don't want to be quoted. I have no idea. I do know that when my daughter took it she had to go on a waiting list to get into drivers' ed. I know that. We were really crossing our fingers and so was she, because she wasn't getting her licence until she did. She knew that was part of the deal at our house.

They're very keen on it. They can either take it through the school or they can take it through the Young Drivers of Canada, which was our option; that was our choice. I can't give you a number, but I'd say definitely that they're very keen on it.

Mr Turnbull: Briefly, you would like to see a beefing up of the actual content of drivers' education courses and make it mandatory for all new drivers.

Mrs Lachapelle: Absolutely.

Mr Turnbull: Obviously, the questions will be raised: Does this pose hardship to some people? Also, is it difficult to get drivers' ed in the more remote areas of Ontario?

Mrs Lachapelle: Hardship as?

Mr Turnbull: Financial hardship.

Mrs Lachapelle: As I say, we had the choice between the school or—obviously, through the school is cheaper than through the other. Our daughter had to pay for it. Chances are, a lot of kids are not in the position that they can do it, but we felt, "You want to drive, and you're not going to drive unless you have drivers' ed." I'll all for responsibilities. I feel that the more responsibilities you put on them, the more they want. She's responsible for her insurance. She realizes that if you want to drive, you're responsible for that insurance.

I would say no. The schools definitely bend over backwards to make it easy for them to take it, because they're really promoting it, they're really pushing it. In fact, when I called the school before school started, I was speaking to the lady who's in charge of it at our school and she said, "We've already had calls; I've got lists of people waiting, wanting to know when it's starting up," and they're looking into the second one after Christmas.

Mr Turnbull: You stressed quite a bit the bad habits that people get into as experienced drivers. Do you believe we should be looking ahead to having repeat tests for people every few years?

Mrs Lachapelle: How would you mean?

Mr Turnbull: On several occasions, you said experienced drivers—

Mrs Lachapelle: I don't think it would hurt. I think it would tune you up. I wouldn't be opposed to doing it. It would certainly keep you in tune, and that's where we have a problem. The young kids who have taken the tests are tuned up and they are keen. As I said, she was a backseat driver, to the point where her dad had to say, "Knock it off, Shannon; come on."

Mr Turnbull: I've got to tell you, I've just gone through the process where my daughter has just got her licence. We had a lot of very vigorous debates in our house. I was pushing for graduated licensing and my daughter was not keen on the concept, so we had a very good airing at our dinner table every evening about this subject over a protracted period of time.

Thank you for coming out. I think we have to start looking at the question, should we go with mandatory driver education? This is a question I've asked several people, and there seems to be a body of evidence to suggest that this would be worthwhile and would be supported.

Mrs Lachapelle: But in doing so, if you're having the mandatory one, let's give some credit to it. When I called the different driving schools—and I did my homework on this; I called drivers' ed and I called the one that goes through the school. None of them has been told and the government has never said, "You will spend this amount of time in the class" or "this amount of time on the road," none of them. How can you judge

that? How can you say that 11 hours is enough time? They have no guidelines to follow; they're doing their thing, and that's not really—

Mr Turnbull: I think that's a very good point.

Ms Haeck: I again want to thank you for your remarks. It definitely will all go into the hopper as far as the decision-making process is concerned. You probably realize that none of this is set in stone, so your comments are extremely important to us.

I think one of the important things is that you realize you could propose that exemptions be made for—you mention in your third paragraph on the first page the young students who are drivers living in the rural parts of the province who would want to go to work, say, here in Ottawa, and that under what you see proposed there would be restrictions on them getting to work. Others have proposed exemptions where they would, say, get some sort of a letter from their employer or some other mechanism by which they would receive an exemption and therefore be able to travel to and from work without those kinds of impediments that have been currently proposed. How would you feel about something like that?

Mrs Lachapelle: You use Ottawa as an example. We don't have to go that far. We can go into Prescott. I don't know if you know the Spencerville area.

Ms Haeck: Not really.

Mrs Lachapelle: Okay. Most of the kids don't truck into Ottawa because you're talking a 45-minute drive, but they do go to Brockville, they do go to Prescott. With that stipulation put in there, Shannon couldn't drive the kids to work. All my three kids work, part-time work; they all have for a lot of years. To have that taken away from them because it's only going to be me—I'm in the situation where I've been able to drive them. I'm at home. I'm definitely not in the majority.

Ms Haeck: So you're saying you would be in favour of some sort of exemptions?

Mrs Lachapelle: Yes, but I don't know how you're going to pull it off. Are you going to classify rural everywhere that doesn't—I don't know how you're going to do it. It's easy to say, "What if we put an exemption in?" but I think you're going to end up with a lot of slack.

Ms Haeck: I think some suggestions have been made and it's a matter of looking at them and seeing how they would be—we're having a little discussion across the table here about exemptions.

Mr Jackson raised a point with one of the previous presenters; the young chap he was referring to got his licence that day and had that particular accident. It's the same thing with having someone with four years' experience; it isn't necessarily to say that an accident still can't happen. One obviously is working to try to diminish all that. One would hope that young man did

have a drivers' education course.

The Chair: Thank you for preparing what appears to be a comprehensive brief and for taking the time to present your views this afternoon. Your views are important and they're a valuable part of the process.

Mrs Lorraine Lachapelle: I have one question that I really need answered. When I got involved with this, I knew there were meetings coming up or I heard it or something. When I called our MP, I called on a Friday morning; he returned my call Friday afternoon. He was not aware of meetings, so he made it his business. He went to Toronto on Monday and called me back from Toronto: "Yes, there are going to be meetings. Thanks a lot for bringing that up for me. I really appreciate it, Lorraine. You'll have to get your name on a list." Nobody is aware of these meetings.

It's okay for all these people who are coming in, and I grieve for them, who have been affected by a young driver who's killed someone; I really feel for those people. But I don't think you're getting equal time for people who haven't been affected by it, because they don't know about it. Nobody in Spencerville knows about this, except we got a meeting going and we got it to the public. While they had heard about graduated licensing, they knew nothing about these meetings.

I know that graduated licensing is good, but you're getting it very one-sided because they don't know about it. It's not going in the Citizen, advertising these meetings. I had a devil of a time trying to find out where I should be, what I should do, anything.

The Chair: I certainly cannot comment on a response from an elected official in terms of your inquiries about these proceedings, and I don't intend to, but the hearings and these meetings were indeed advertised in every daily newspaper in Ontario.

If I'm to understand your point that you feel they may not have been advertised enough, that is valuable information for not only this committee but perhaps every other committee which has to wrestle with an advertising budget and at the same time try to meet the demands of the public. If your recommendation is such that perhaps this committee as well as all others should perhaps spend more dollars and do more advertising so that people are aware, then certainly I can take that recommendation away.

Mrs Lachapelle: If your MPs aren't up on it, how do you expect us to be? You're looking for input.

The Chair: We appreciate it. Thank you very much.

I thank the community of Ottawa for its hospitality, and in particular I'd like to thank all the witnesses who appeared before the committee from Ottawa and the surrounding area during the course of hearings today.

This committee is now adjourned until 10 am tomorrow morning in St Catharines.

The committee adjourned at 1603.

CONTENTS

Tuesday 14 September 1993

Graduated licensing	R-389
Richard Frappier	R-389
Ottawa-Carleton Safety Council	R-392
Scott Follis, driver improvement programs	
Jim Bancroft, former chairman	
Al Bickerton	R-399
Canada Safety Council	R-406
Emile Thérien, president	
Ray Marchand, manager of traffic safety and training	
Regional Municipality of Ottawa-Carleton health department	R-410
Dr Stephen J. Corber, medical officer of health	
Dr Geoff Dunkley, associate medical officer of health	
Dr Brent W. Moloughney, community medicine resident in training	
John and Fred Donkor	R-415
Lorraine Lachapelle	R-420

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Dadamo, George (Windsor-Sandwich ND) for Mr Waters
 Daigeler, Hans (Nepean L) for Mrs Fawcett
 Haeck, Christel (St Catharines-Brock ND) for Ms Murdock
 Jackson, Cameron (Burlington South/-Sud PC) for Mr Jordan
 Lessard, Wayne (Windsor-Walkerville ND) for Mr Klopp

Also taking part / Autres participants et participantes:

Ministry of Transportation:
 Dadamo, George, parliamentary assistant to the minister
 Hughes, John, director, safety policy branch

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: McNaught, Andrew, research officer, Legislative Research Service

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Wednesday 15 September 1993

**Journal
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Mercredi 15 septembre 1993



**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

Graduated licensing

Délivrance graduelle des permis

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LEGISLATIVE ASSEMBLY OF ONTARIO

R-425

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 15 September 1993

The committee met at 1007 in the Holiday Inn, St Catharines.

GRADUATED LICENSING

The Chair (Mr Bob Huget): I call the committee to order, please. First of all, on behalf of the entire committee, we are very pleased to be here in St Catharines this morning as we continue the process of receiving public input on graduated licences in the province of Ontario.

I would like to take the opportunity to introduce the committee staff whom you will see at the front of the table. Normally seated to my immediate right, and now up speaking to that gentleman, is the clerk of the committee, Tannis Manikel. To my right is Andrew McNaught, who is the research officer assigned to the committee, and to Andrew's right is Beth Grahame from Hansard. We have as well broadcast and recording services, whose function it is to record the proceedings, and that is staffed by Mr Clayton Hatfield and Mr Petselis, who sit over in the back corner.

On my left is Mr Hans Daigeler, who is the Transportation critic for the official opposition and also the member for Nepean. He is joined this morning by Mr Steven Offer, who is the member for Mississauga North, and they will be joined by Mr Sean Conway, who is the member for Renfrew North.

Immediately in front of me is Mr Cam Jackson, the member for Burlington South, from the third party, and he will be joined by Mr David Turnbull, the member for York Mills, who is the third party's Transportation critic.

Seated to my left is George Dadamo, the parliamentary assistant to the Minister of Transportation, and he's joined by government members of the committee: Mr Len Wood on the far right, the member for Cochrane North; Mr Gary Wilson, the member for Kingston and The Islands; Ms Christel Haeck, the member for St Catharines-Brock; and Mr Wayne Lessard, seated to my right, the member for Windsor-Walkerville. I should mention Mr Dadamo is also the member for Windsor-Sandwich.

As the first order of business this morning, perhaps I could call Mr Levine from the Ministry of Transportation to take a place at the table. There are some outstanding questions from yesterday that require some clarification from the ministry, and I'll just let you go ahead and do that.

Mr Paul Levine: As I understand it, the first question is related to near-beer and the volumes that might be required to bring blood alcohol levels in a

fashion similar to regular beer. As I understand it, near-beer has an alcohol volume of 0.5%, which is one tenth the volume of alcohol in regular beer in Ontario. Light beer, I believe, is 4%. So the volumes, if we're comparing it to light beer or regular beer, would be 8 to 10 times the amount that would be required of having light or regular beer.

We don't have a specific analysis to offer yet to indicate how much of the near-beer would have to be consumed to register just the presence of alcohol. We are hopeful that we will be able to obtain that information and present it before the committee's work is completed.

There was also a question relating to the identification of licence class and how we would indicate that a driver was a novice driver. The document itself that is issued will indicate on it in the class box that it is a G-1 or G-2, where today it would just indicate class G, for example, on a regular full licence. Novice drivers will have it indicated as G-1 or G-2 and it will be on the actual document.

With respect to the determination of years of experience for accompanying drivers, that will not necessarily show specifically on a driver's licence, but there are several methods by which a police officer could make that determination. Of course, if the birthdate of the accompanying driver indicates that he or she is less than 20 years of age, in Ontario there's no way they could have the four years of experience.

The computer system that is being created will show the years of experience based on the date of first licensing, and that information will be available on CPIC, Canadian Police Information Centre, for police during an inquiry, on that system. They also will have the opportunity, if they so desire, to check the record of that individual and make the determination if in fact there are actually four years of time available for experience, given that there may be suspensions registered on the record, which do not count as actual experience.

As to the document itself, there's some question as to whether or not there will be included on it the date of first licensing. If it does show the date of first licensing, that is still no guarantee that there has been that period of experience, as I mentioned, because of the potential for suspensions or cancellations. So that may be somewhat misleading to go by, but as I mentioned, any police officer will have the opportunity to make an inquiry on the system and get enough information to make that determination.

Of course, I guess it really comes down to trying to establish what the four years really mean in terms of experience. We would like to think that what we're after here is some indication of the maturity levels without making it totally age-related, which we couldn't put into the legislation. There will still be discretion required on the part of police officers when they try to make this determination of the accompanying driver and the four years of experience, especially in the case of older accompanying drivers.

Just to address the question of how we count the four years of experience, we'll try this one more time. There are basically two separate criteria. One is that the accompanying driver must be fully licensed, meaning that we will not accept anyone who is still within the graduated licensing system, or for the next few years during the transition period, anyone who is still on the probationary driver system. It's fully licensed, meaning a full class G or higher class of licence.

The four years' driving experience will start with the first day of driving experience. Under the graduated system, it would be upon entry to the level 1 system. Until the graduated licensing system reaches a mature state of existence, we would be dependent on the date that the first class G licence is obtained, because we don't recognize right now the learner's permit and we don't record the learner's permit as being a licence.

On the question of novice drivers under the age of 19 having blood alcohol levels above zero, again, we believe that underage drivers who exhibit blood alcohol content should be charged, but not necessarily under the Highway Traffic Act. We think that there are underage drinking laws that exist that can be pursued in this matter. The idea of the zero BAC for all novice drivers is an indication that we won't accept it in the older novice drivers as well, and as the committee has heard, almost half of the new drivers who are licensed in Ontario each year are over the age of 20.

The last question that I was made aware of relates to the seatbelt laws in the province, the way in which we have worded the model to say that the number of passengers is limited to the number of seatbelts, and the reaction that, "Isn't that the law in any case?" The law, as written today, says that if a seatbelt is available in a vehicle, it must be worn. Older vehicles—there now are very few of these around, I would think—are not required to be retrofitted if they didn't have seatbelts when they were first manufactured and put on the market. In those vehicles, there is no requirement for any passenger to be belted if there isn't a belt available. What we are saying is that if there isn't a belt available, the novice driver can't carry passengers. As I say, we suspect that the number of those vehicles is relatively few at this point. I think there have been front-seat occupant restraints since about 1967, if I'm not mistaken.

I think the perception among the public is that there is a limit on the number of passengers today to the number of seatbelts that exist in a vehicle, and that is not the case. Today, the law states that as long as all the seatbelts that are available are used, additional passengers can be carried without a seatbelt. There is some priority given to child restraints being used by the seatbelts, or children occupying available seatbelts before adults occupy those seating positions.

One of the things we hope to achieve with the wording of the model that is proposed is that novice drivers will not be able to carry passengers either in the back of vans, where there are no seatbelts provided, or in the boxes of pickup trucks, where again there are no seatbelts provided. These are two of the potential areas where we think there could be a current problem. There has been consideration over the years to revising the seatbelt legislation. It hasn't yet advanced to the stage where we feel comfortable making the proposal to limit the number of passengers in all motor vehicles to the number of seatbelts provided.

1020

Mr Steven Offer (Mississauga North): We'll have to be discussing some of this information that you've provided, but it's clear that unless the licence of the drivers is amended to indicate not only the class they're in but the date upon which they entered the class, it will be very difficult for any police officer to enforce this particular rule when he can't see how long the accompanying driver has been eligible for the road. It seems that something more is going to be required on the licence to indicate to anyone who stops a driver how long the accompanying driver has been licensed, or else it will just be an impossibility for the police office to make that determination.

Mr Levine: Police officers have access to an information system that will provide them with that information. They can make an inquiry from their vehicles and obtain that information through CPIC, which is basically the same system they would use to determine that an individual's licence is under suspension, for example. If they were to make an inquiry about suspension, they could also get the information related to the number of years of experience based on the date of licensing.

Mr Offer: So you're going to make the officer use the CPIC for all the stops instead of just taking a look at the licence.

Mr Levine: Again, as I mentioned, I think we will require some discretion to be used. The officer will have to decide if he or she wants to run that check.

The Chair: A very quick supplementary. We have witnesses waiting.

Mr Cameron Jackson (Burlington South): Just on that point, since the chiefs of police and a police officer

are before the committee this morning, perhaps we can ask them in a bit of detail how the CPIC system works, because generally they're pulling over a car and they check the licence first. That's where they get that detail, if there's anything suspicious, for their own protection, before they leave their vehicle and approach the vehicle. This involves returning to the vehicle with two sets of licences and it may be cumbersome. I'd like to know how much information comes up on the screen and how much has to be searched. Those are details that are perhaps best left for the experts in the field. I appreciate the information you've presented to us.

ASHTON AND TILFORD INSURANCE BROKERS LTD

The Chair: The first scheduled witness this morning is Ashton and Tilford Insurance, if they could come forward.

Good morning, sir, and welcome. I apologize for the delay. We were clearing up some technical points that needed to be cleared up.

Mr Craig Tilford: I found it interesting.

The Chair: We're now ready to proceed. You've been allocated one half-hour for your presentation. The committee would appreciate about 15 minutes of that, if possible, for questions and answers and dialogue, if you could introduce yourself for the purposes of Hansard and then proceed with your presentation.

Mr Tilford: I'm sorry, introduce myself for—

The Chair: The purposes of Hansard. It's a recording service.

Mr Tilford: My name is Craig Tilford. I'm an insurance broker with Ashton and Tilford Insurance Brokers in St Thomas, Ontario. Actually, I'll get into my introduction in my speech.

I'd just like to start by introducing myself a little more formally in terms of my background and my interests. I've said already that I am an insurance broker. I'm a member of the Insurance Brokers Association of Ontario and I'm actually an affiliate president of one of our territories.

But more important to me today is my background in terms of driver improvement, driver safety. I've been involved with this for over 15 years. Each year I attend, each or organize many advanced schools myself.

I also sit on the Ministry of Transportation's seatbelt education and enforcement committee, which meets every other month or every month at Metro police headquarters in downtown Toronto. This particular committee, as I said, is involved in seatbelt enforcement and the education of the public. On that committee there are many other interested parties, like the Ministry of Health, the Ministry of the Solicitor General, the Insurance Bureau of Canada, the OPP and various other police forces from across Ontario. I represent the Insurance Brokers Association of Ontario.

Finally, as part of my introduction, I'm the author

and the organizer of a program we call the driving tune-up seminar. This seminar is a program designed to assist participants in updating their skills relating to safe driving and vehicle operation.

The reason I'm here today is that I take driver improvement very seriously. I take it very seriously because I'm tired of seeing stupid mistakes on the road today. Some of the things that you may or may not be aware of and that I think you should be aware of are that an average driver makes 200 observations per mile, he makes 20 decisions every mile and he makes one error every two miles. All these statistics translate into results like a near crash every 500 miles, a crash every 61,000 miles, an injury every 430,000 miles and, finally, a fatal crash every 16 million miles. It sounds like a lot of miles, but I wouldn't want to be one of those statistics.

I take driver improvement seriously because I don't like seeing my clients' losses. I don't like seeing the injuries and casualties, because I have to deal with them. I applaud our government's initiative to implement graduated licensing for the new drivers and I look forward to less carnage on the roads. I eventually look forward to better drivers who will come out of this system.

The graduated licensing system must be effective to save lives and reduce these crashes. It must be strong and it must be comprehensive enough to gradually teach each of these new drivers how to survive out there.

In its present state, I believe it will reduce casualties and crashes, but I think there still are some areas that need to be strengthened. First, I'd like to talk about blood alcohol concentrations, or as you refer to it, BAC.

The current MTO paper says the accompanying driver, "accompanying" meaning the advising driver, can have up to 0.05% blood alcohol concentration. I'm sorry, but this is two thirds of what it takes for you to blow over and lose your licence for a year. Besides that, what exactly is 0.05? Is 0.05 one drink for my body weight and the number of hours I slept last night and what I had for breakfast or how much food or whether I'm taking antihistamines for something or other? I don't know what 0.05 is, nor do I know what 0.08 is. I do know what zero is. That's pretty clear to me.

The Insurance Bureau of Canada recommends zero for both the learner and the accompanying driver. I agree with them. I feel that drinking and driving do not mix. If this accompanying driver is there to assist the learning driver on how to drive and all that, I believe that he should have his wits about him. They should be 100%, and to me that means zero alcohol: absolutely none. I think zero alcohol to a learning driver and the accompanying driver sends out a message loud and clear: Drinking and driving do not mix. I doubt I'd get any arguments from anybody in this room.

Next, I think the graduated licensing, to be effective, should be stricter with regard to the passengers. The MTO says the number of passengers should be limited to the number of seatbelts. Mr Levine addressed some of that again this morning. I don't have a problem with the number of passengers matching the number of seatbelts. What I have some concerns about is peer pressure. I'm concerned about who those passengers will be. What if all those passengers are young drivers out having some fun, like those kids in Milton who died this spring?

On the way this morning, I found out about six more kids who were involved this past weekend in an accident in the Leamington-Chatham area in which another kid was killed.

1030

My suggestion is, why don't you restrict that supervising driver to be a fully licensed driver for at least five years—four or five, I'm not going to split hairs with Mr Levine. This would help to eliminate the peer pressure so that the learning driver doesn't do silly things out on that road and we won't have more tragedies like Milton and Chatham and Leamington and Burlington, as we'll hear from later today.

Next let me move on to the hours of supervision. I have concerns about letting a new driver drive without supervision at night. I don't understand why the MTO picked just midnight to 5 am, but I think driving after dark is tough, especially if you're a new driver.

I ask you to think about driving at night and seeing those oncoming vehicles that are making stars on your windshield. I've heard from many experienced drivers, not new drivers—and I remind you that I'm involved in driver training—that they avoid driving at night because of the oncoming traffic, because their contact lenses or their glasses blur their vision. I ask you, if that's an experienced driver, how do you think a new driver deals with this?

Now let's take this night driving and add a little rain, like this morning when I came from London. It wasn't night, but the visibility was pretty poor. Think about a blurry windshield with headlights becoming stars and the road covered in rain. Think about those lines. How many times have you driven in the rain and you couldn't see the lines on the road because of the rain that's being thrown up by the trucks? With nobody out in front of you when it's dark, those lines, even with the reflectiveness, are difficult. Even with those cat's eyes which we're seeing from time to time, those little reflectors on the lines—they're great; I wish we had more. If you find driving under these conditions as difficult as I do as an advanced driving instructor, I ask you to imagine what it's like for a new driver.

The MTO's plan is no curfew for the level 2 drivers. I believe there should be curfews. I believe there should be supervision. The supervising driver can act as a

second set of eyes to help locate streets, signs and, probably most importantly, pedestrians and cyclists. Think about how difficult it is to see them at night, let alone in the rain. The supervising driver can also help explain the different skills that are particular to driving at night that are different during the day.

Next I'd like to discuss restricted highways, what are generally referred to as the 400 highways or the multi-lane highways. My point on this is the same as on the curfew supervision. MTO level 2 says "no restriction for any highways." Therefore we have a level 2 driver who can drive anywhere at any time with as many passengers as there are belts.

Imagine, if you will, a mother of two children who are distracting her as she drives across the 401 to the Don Valley, down the Don Valley to downtown Toronto. Think of the number of decisions she has to make: which lane, which exit, when to get over, possibly done during rush hour, bumper-to-bumper traffic, and of course watching out for that guy who has to make his next sale who could possibly cut her off. Of course, while she is doing all this, poor Johnny in the back is hungry or he has to go to the washroom. I think that we should have supervision of these level 2 people, especially on these highways.

What about supervision for the young driver out on these multilane highways? They're out on Saturday night having a good time with all their friends, and no supervising driver. What if they decide to go out and try the 401's multilane speedway and see what that car will do? Maybe I should change this to "see what the driver will do," not "what the car will do."

We've seen these chases end in tragedy before, so why don't we prevent them now through stronger, more effective, comprehensive graduated licensing? Why not put a supervising driver with a minimum of four or five years with the distracted mother of two? Why not restrict those young kids from the 400 highways unless they have a supervising driver who has four or five years' experience?

With the extra supervision, the learner can ask questions and receive guidance on which lane to be in, which exit they want, when it's coming up, whether the express lanes are better than feeder lanes, and maybe when they figure out which is better between express and feeder, they can let me know. I always pick the wrong lane.

Think about the last time you were driving an unfamiliar stretch of a multilane highway, be it around Toronto or perhaps when you're driving through the United States or another Canadian city. Wouldn't you appreciate an extra set of eyes as well? I know there are times I would.

Next I'd like to discuss convictions. I don't think that a driver should be able to progress from one level to the

other with a conviction. I feel a new driver should be conviction-free to move to level 2 and conviction-free to go to full licence status. "Conviction-free" sends another message, just like blood alcohol content. "Conviction-free" sends a message that one must abide by the laws of the road or one will not be allowed the privilege to drive. Sometimes people forget. I'd like to remind the people in this room, and I try and tell everybody else, driving is a privilege. It's not a right in Ontario; it's a privilege.

I'm going to jump out of my prepared speech for a moment here to make you aware of some statistics I hope you know already, but just to jog your memory. There are six million drivers in Ontario, 30% higher than 10 years ago. In the past 10 years, crashes have increased by 13%, bearing in mind all the cars we drive today are much safer than they were 10 years ago, but crashes still have increased. Injuries have increased not by 13% but almost double that: 24%. This is my favourite statistic: 85% of all crashes are caused by human error, not the car, not the tires, you and I, the people behind the wheel.

Traffic crashes are the second-largest cause of people under the age of 45; not just the kids but under the age of 45; \$4 billion a year is lost to health costs and loss of income and insurance because of these crashes.

One of my favourite subjects is seatbelts. Statistically, we found that Ontarians comply to 80%. One of the objectives of the committee I sit on is to get Ontario up to 95% compliance. You may have heard the term 95% and '95: 95% compliance in the year 1995. If we reach that, statistics show that 99 lives would be saved per year.

By the way, one of the three key groups that my seatbelt committee is zeroing in on is drivers under the age of 25. The graduated licensing system will probably be 80% people under the age of 25. Unfortunately, for some reason, they think it's not too cool to wear them. So I go back to the point, implementation of zero conviction. Maybe zero conviction will help them wear the seatbelt. Zero conviction will not allow them the privilege to drive.

Let me get back to text. Some people will feel this current graduated licensing proposal that the MTO has come up with is severe. A lot of the kids are scrambling now to get their licences before. If you ask the MTO how busy they are and the next time you could take your licence, you're probably booked into April of next year, depending where you are. Some of my recommendations may make it even more unpopular for the public, but I remind you, your job is not to make it popular. Your job is to make safe new drivers, so I hope you will strengthen the MTO's graduated licensing module: by zero blood alcohol content, by stricter surfees, by zero convictions and restricting people on the multilane highways without supervision.

As a driver and a driving instructor, I see unnecessary mistakes that cause trauma, that cause crashes on the roads. We saw an accident, of course, this morning. You can't go anywhere without seeing one.

As an insurance broker, I deal with this as soon as I get back to my office—not a lot of fun. Please do not water down the concept of graduated licensing. Graduated licensing is giving you and me the opportunity to prevent these tragedies that we saw in Milton in the spring and in Chatham this past weekend. Please, please take this opportunity to make our roads safer by making our new drivers safer. Graduated licensing must be strong to work. It must be strong.

1040

Mr Hans Daigeler (Nepean): Thank you for coming from St Thomas to appear before the committee. It's my sense that you don't have to be too worried that the proposal will be watered down. I think there's solid support from all three parties for the initiative. In fact, we've heard, so far, most interventions saying that we ought to strengthen the proposal even further, and you are of course arguing that as well.

I think we will have to give serious consideration to some of these proposals. However, do it in a way that is workable and that doesn't lead to the total disregard of the laws that are on the books. Certainly, I think that we will be taking what you and many others like you have been saying very seriously.

One thing really interested me, and you didn't really speak about this in your presentation: You said you were also an advanced driving instructor. Could you tell me a little bit about what that entails, and secondly, who the people are who take this course and why are they coming, what's their background? I'm asking this because many of the presenters said the big problem is the attitude of people. If we could change only attitudes, they would concentrate more on the traffic, be more responsible, and we'd be a lot further ahead. Of course, many have also asked for tougher driving instruction and better driving instruction. Perhaps you could tell me a little bit about what that advanced training entails and who the people are who come to these courses.

Mr Tilford: The advanced training is out there. There are many multiple levels of training, from a refresher on what you should know already to emergency avoidance to something that has caused a great deal of tragedy between Belleville and Kingston and London and Woodstock, people dropping wheels on the road, overcompensating, spinning and crossing the median.

I'm not really sure who's responsible, if it's the Ministry of Transportation, but we're going to spend billions of dollars putting a concrete median all the way from London to Kingston. My argument is, why don't we just spend \$300 or \$400 per person and show them we don't need that median if they know how to drive?

The question about advanced driving: There are programs out there from basic bare bones, four hours in a classroom, you review and discuss, not necessarily pound it into people. There's a great program out there called 55 Alive. Unfortunately, it's aimed at the people who are 55 years of age and older. I took the course. I'm not quite 55 yet. It's great.

I've talked about the bare bones. Levels that I get involved in are the bare bones, and that's basically my program that I started, the driving tune-up. The objective of that is to get at that attitude. It's a one-day course and my objective is to get people to realize there's a little more to driving than just point and shoot.

Mr Daigeler: Who are the people who go to that?

Mr Tilford: Unfortunately, it's the converted. At my own expense and a lot of time, bearing in mind that I run my own business, I sent out literally hundreds of invitations to the government, to the insurance industry, to other driving schools and to other people who are already converted, people I run into who are involved in driver education. I'm sorry to say that not one government person has come to the school, not one government agency has done anything except a few of them. Mr Turnbull, I see, was supposed to be here.

Mr Daigeler: He is here. He just came in.

Mr Tilford: Good morning, Mr Turnbull.

Mr David Turnbull (York Mills): I'm afraid I was in very heavy traffic; very unusual.

Mr Tilford: You made it here safely. Mr Turnbull and a couple of other political parties have sent letters and said: "Rah, rah, that's great what you're doing. Unfortunately, my schedule doesn't allow me to come." I say to Mr Turnbull and the other people involved, send somebody else. It only costs \$95—\$98; I increased it to cover costs. My objective is to get at people, get at their attitude to get them thinking.

I've learned, and other educators, and there are professional educators in the room, that you can't shove it down an adult's throat. You have to make that adult come to the conclusion himself.

Just to finish off quickly the advanced driving thing, this weekend I'm going to spend two days at Mosport, just east of Toronto. I've been working up to that track for two years and I'm looking forward to going on it at high speeds, but in a controlled environment.

Mr Jackson: Craig, you've given us five recommendations, and they're not unlike recommendations we've seen in the first week of this committee's deliberations. We're seeing the themes repeated. The one I want to zero in on, because of the time limitations we have with you this morning, is the loading factors. At about 11 or 11:15 this morning we're going to hear about the case in Burlington in 1991. I knew one of the victims of that crash, Jodi Robbins.

I and my community very much support your recom-

mendation that we re-examine allowing as many passengers as there are seatbelts in a vehicle. We've had no suggestions other than simply the number of seatbelts or no one at all. That's really what we've had.

I want to ask you if you would support some notion of extending the number of passengers, or passengers by seatbelt, but must be family members. I want you to think about that for a moment because I consider it, with the number of family breakdowns, single-parent, mother-led families, a vehicle, other younger children to drive, the process of teaching that individual to drive—I foresee a situation where you can be driving a younger son or a younger daughter to work while you're supervising your learning son or driver, as a supervisor, in the vehicle. I personally support the notion of the fewer passengers in the vehicle the better. Again, I'm guided by this horrendous accident we're going to hear about later. How do you feel about that?

Certainly, the concept of family members and family insurance rates and so on is not a foreign concept to insurance brokers. How do you feel about that as some sort of compromise? I don't want to use the word "compromise." I think it's a better recommendation than the legislation as it currently sits, because I think it has the potential to discriminate, if we say no other passengers other than the supervising person. But by the same token, we don't want four or five young people in the back seat of the car with a 20- or 21-year-old who's repeating grade 13 for the fourth time and just happens to have had his licence for five years.

Mr Tilford: I am glad you put in that last comment about the grade 13, because I wasn't really sure what you were getting at. Statistically, most of these horrendous things are on the way to a party or on a Friday night. I don't think I'd really want to go to a party with my mom sitting beside me. Not to be sarcastic, but I'm not really sure how a family member would impact on those incidents. I think those incidents, Chatham, Leamington, Milton, Burlington, are party time; it's Friday night and Saturday night. Maybe you could clarify that for me. I'm not really sure how the family could impact on that.

Mr Jackson: I'm saying that if we follow your recommendation, which is no passengers—

Mr Tilford: No, that's not my recommendation.

Mr Jackson: Okay. Perhaps you should clarify. I took from your presentation that you would somehow want to designate by age or gender or by some—

Mr Tilford: No, I would like to designate by driving experience.

Mr Jackson: All the passengers in the vehicle?

Mr Tilford: No, the accompanying driver, the driver that's there to supervise the learning driver. That accompanying driver, I believe, should have at least five years' experience.

Mr Jackson: Okay, I understand that. I'm talking about the loading factors.

Mr Tilford: To do with the seatbelts.

Mr Jackson: Yes.

Mr Tilford: If there's a learning driver and an accompanying driver with five years' experience and there are three seatbelts in the back, three passengers.

Mr Jackson: You have no difficulty with that?

Mr Tilford: No.

1050

Mr George Dadamo (Windsor-Sandwich): Mr Tilford, thanks for making the drive this morning from London. We appreciate the driving conditions this morning, with the rain.

Mr Tilford: It was a good test.

Mr Dadamo: Yes. My Windsor colleague, Mr Lessard, and I drove in from Toronto, so we shared that with you.

I truly believe that we are of one mindset here this morning, that it really doesn't matter what political party or stripes you carry: We are of the understanding that the aim is to dwell on safety and saving lives.

There's a question I wanted to ask you. When we started the proceedings, there was an issue that has escalated a little so we find ourselves thinking about it more and more, which I take seriously; that is, the displaying of a vehicle sign, putting something on the vehicle to let others know that there's a beginner driver driving. I need to ask you, as I've asked others, how would you see that in the scheme of things? How would you display it? What would it look like?

Mr Tilford: You're asking me about the actual logistics of the sign? We can get these magnetic signs that you put on. Do you want me to design a sign for you? I'm not really sure what you're getting at. If you have, for example, not the slow-moving vehicle but a yield sign, some designation you can put on your bumper—I'm not sure just the rear bumper is enough.

Mr Dadamo: Permit me. I want to ask you what you feel the importance of the sign would be and how you think people following this vehicle should react.

Mr Tilford: You have to forgive me. I'm of the opinion that most drivers out there don't really pay attention to their driving. If that sign's there, I'm hoping it would be just that little more of an edge, that somebody would stand up, take notice and say: "Oh, that's one of them. I've got to watch out for them." Anything we can do to make John Doe stand up and take notice of exactly what he's doing would be an advantage, so endorse the sign.

The Chair: Mr Tilford, on behalf of the entire committee, we'd like to thank you for taking the opportunity to come and be with us this morning to share your views. Your brief contains recommendations,

and I'm sure all members of the committee have noted those recommendations. We appreciate your taking the time to put together a comprehensive brief. Your views and the brief will play an important role in the process. Again, on behalf of the committee, we'd like to thank you for appearing this morning.

ONTARIO ASSOCIATION OF CHIEFS OF POLICE

The Chair: The next scheduled witness is the Ontario Association of Chiefs of Police. Good morning, sir, and welcome. You've been allocated one half-hour for your presentation, and I know the committee would appreciate a portion of that, perhaps 15 minutes or so, for questions and answers and dialogue. Could you identify yourself for the purposes of Hansard and then proceed with your presentation.

Mr Henry Harley: Thank you, Mr Huget. My presentation will include an identity, and I am grateful for the opportunity to be here.

My name is Henry Harley. I am the chief of police for the Tillsonburg Police Service. Today, I represent the Ontario Association of Chiefs of Police. I'm the chairman of the traffic committee for that organization.

I'd also like to point out at this time that this is the only part of policing in the province of Ontario that's responsible to the Minister of Transportation. The majority of policing is responsible to the Solicitor General. As Mr Offer knows, in the past we've had confusion in that area, and we still do.

All Highway Traffic Act enforcement in the province of Ontario is done under the command of a chief of police in the many municipalities in this province or under the commissioner of the Ontario Provincial Police, with the exception of those parts of that act which are enforced by the enforcement officers of the Ministry of Transportation.

Most of the public education in reference to the Highway Traffic Act which is done on a personal basis is done by a police officer, usually in the classrooms of the schools across this province. Consequently, the province of Ontario is almost totally dependent on the police forces of Ontario to both educate about and enforce the legislation passed by our government, intended to regulate and govern the use of the highways and city streets in Ontario in the interests of safety and the elimination of congestion.

On May 6 of this year, I joined the Minister of Transportation, Mr Gilles Pouliot, and Dr McLelland of the Sunnybrook Hospital trauma unit to announce the graduated licence program proposed by the Ministry of Transportation.

My being here today is to remind the government of that day in May when the Ontario Association of Chiefs of Police committed to enforcing the graduated licensing system when it was enacted. It was based on a proposal that the Insurance Bureau of Canada had drafted in

concert with the Ontario Association of Chiefs of Police traffic committee, based on programs which have been proven in other jurisdictions around the world. We have, to date, no reason to believe that those proposals should be changed, if indeed the government proposes changes. However, for the record, let me list those criteria.

Listening to the earlier speaker, my notes of the proposals of the Insurance Bureau of Canada and his recollections change in one area, which we'll get to, when it comes to the accompanying driver with zero alcohol. I thought the IBC, in its discussions with us, had also recommended the 0.05%.

Those recommendations, as I had seen them in the early stages, for a level 1 learner, were:

—Entry: to come in at age 16, and pass a vision and knowledge test.

—Period: for a period of 12 months minimum, five years maximum, reduced by four months with an approved driver education training certificate.

—Conditions: must be accompanied by a driver with at least two years' fully licensed experience, with an age minimum of 21 and a BAC of less than 0.05%

A question was asked which I want to speak to at this time, the fact that I think the driver's licence should have indicated on it the date on which a full licence was issued to every driver in this province. I hear the MTO representative saying we have that ability in the Canadian Police Information Centre. The people at CPIC are saying: "Just how big do you think this machine is? We are just overloading it for the sake of a little area that says, 'Full-time licence was issued on January 1, 1947,' and that makes it easy at the side of the road."

To continue with conditions:

—No other passengers, unless the accompanying driver is an accredited driving instructor. If learner is accompanied by a driver with five years' fully licensed experience, passengers limited to the number of seatbelts.

—Zero BAC: Another point was made this morning was that there could be other laws that govern the BAC situation. There are no other laws right now that govern zero. Why do we want to confuse different acts? If we're talking about the Highway Traffic Act, if you're in violation of a graduated driver's licence under the Highway Traffic Act, then include it. We complicate things all too often in this province.

—Curfew, midnight to 0500 hours; prohibited from driving on all limited-access highways; "New Driver" identification displayed.

—Exit: To exit the system, pass the basic road test. For a level 2 learner:

—Entry: completion of a level 1 learner.

—Period: 12 months minimum or five years maximum.

—Conditions: must be accompanied by a driver with at least two years' fully licensed experience, minimum age 21; a BAC of less than 0.05%.

—No other passengers unless the accompanying driver is an accredited driving instructor. If the learner is accompanied by a driver with five years' fully licensed experience, passengers limited to the number of seatbelts.

—Zero BAC for the driver; no highway restrictions; no curfew restrictions; "New Driver" ID displayed.

—Exit: pass the advanced exit test.

For the third level of licence: Pending the pass of the advanced test, the regular or G licence would be issued. That date would be the one that was indicated on the licence for ever more.

Where does all this lead? One of the things I have yet to hear this government say out loud so that all can hear is, and may I quote, "Ontario considers drivers' licences to be a privilege and not a right." We need to hear that. So many people today are claiming that it's their right to be on the highway. For years we have considered a driver's licence a privilege, and I believe it still must be.

I hear many suggestions that this system is too tough. I do not believe it is. I do, however, believe that today's licensing system is inadequate. I do believe that the graduated licensing system will reduce the unnecessary deaths and injuries on our highways attributed to inexperienced and alcohol-using new drivers.

1100

What are the concerns of the police? The most important point, I believe, is that the police have no intention of making graduated licence enforcement a priority enforcement issue. We see this as a section of the Highway Traffic Act that would normally be enforced when discovered while investigating some other Highway Traffic Act offence.

One of the problems presently facing police officers in their role of law enforcement is that the crown attorneys, provincial prosecutors, justices of the peace and provincial judges are hesitant to prosecute two or more charges against an individual arising from the same incident. Consequently, plea bargaining and dismissals take the teeth out of the law as it stands today. Penalties for violation of the graduated licensing legislation should be automatic if the government is serious about highway safety.

Another concern I have is the apparent loss of interest in the announced road safety organization. Mr Pouliot again announced on May 6 that he was putting in place the Ontario Road Safety Corp, with the proposed advisory council groups being police, road safety, commercial interests, interministerial, research and driver education.

Bill 39 was first read on June 3, 1992, and reads that

this crown agency will subsume administrative duties formerly under the Highway Traffic Act, the Motorized Snow Vehicles Act, the Off-Road Vehicles Act, the Public Vehicles Act and the Truck Transportation Act for the purpose of promoting and improving road safety and developing and marketing road safety products and services.

The last concern I wish to bring to the attention of this committee is, where do police services obtain the funding to perform the functions being asked by this government? It's obvious that this government does not consider traffic safety and/or traffic law enforcement to be a priority, which is obvious from the continuing disappearance of funds from policing. Traffic law enforcement in Ontario has been reduced to the level that we are only putting out fires, so to speak. There is little money for policing, and that translates to no money for traffic enforcement. Police officers in the province of Ontario mainly do traffic if they have nothing else to do.

Ladies and gentlemen, we are fortunate to live in a country where the mere fact that there is a law on the books means that the majority will obey the law, because Canadians are law-abiding people. As in other fields, however, if there is no punishment for sin or little chance that your sins will find you out, sin increases. Have you driven 100 kilometres on the 401 lately?

Mr Jackson: Thank you, chief. I appreciate your presentation, the first one from the chiefs of police association, so it's perhaps very timely today.

You've raised a lot of issues. I want to move in on the plea bargaining and then I want to yield to my colleague.

Multiple offenses: It never had occurred to me, but I'm aware of what you're describing here when I now think through all the conditions where there could be separate violations, whether it's passengers to seatbelts, blood alcohol level, the supervising driver. I guess you've raised a very legitimate fear in that we have examples, whether it's pornography or other areas, of where there's a breakdown between the laws on the book and the direction from the Attorney General's office with respect to prosecutions.

How do we deal with that as a committee, as we're dealing with an act which is limited to the Transportation ministry, but as you've very clearly indicated, implicates two other ministries for sure?

Mr Harley: Thank you, sir; the opportunity to answer that is great. It's about time, I believe, that the Solicitor General, the Attorney General and the Minister of Transportation sat down and compared notes. In policing we have to deal with all three. There seems to be, through the Ontario Traffic Conference and the Ontario Association of Chiefs of Police, a great rapport

individually, especially with the Solicitor General's office and the Ministry of Transportation. However, we never seem to see them comparing notes with each other. There have to be instructions that come down from a government to which all these people belong that say, "Our government wants this to happen in this province and we want you as a member and a minister of the government to instruct the people in your ministry that this is what we expect."

I believe that we have, for the convenience of the courts and for the convenience of the time that's spent in courts, a lot of things being thrown out of court, which have made a mockery of our law. We have all kinds of people—and age is not what governs it—who believe the chances of getting off are a lot greater than they are of being convicted. As I said about the 401, if you can find a policeman there, then you get the \$60,000 prize, because my friends in the OPP are just astonished; they do not have the ability to do the job. They only go there when they're called, because there's nobody left. The public of Ontario are calling the police for other things, taking them away from the highway.

Mr Turnbull: Chief Harley, it's good to see you here today. As you probably know, since I became the PC Transportation critic some two years ago, I've been pushing very hard for the introduction of graduated licences. While I'm delighted with this move, I do have some concerns that this is not strong enough legislation. My question to you is, you mentioned first of all automatic penalties. What would you see as being the appropriate penalties that you'd build in?

Mr Harley: Actually, anticipating that kind of question, we really decided as a chiefs of police organization not to even get into that part of it. We feel that's the role of government, to decide the penalties. But what we think is the proper thing is that there is a penalty that is seen to be given.

Mr Jackson: It fits the crime.

Mr Harley: It fits the crime and it happens. What's happening now is the penalties are not happening. I relate it quickly to other law than the highway traffic law. It's really not a crime to possess marijuana in Canada any more, because no court wants to take the time to say, "We're going to convict you of having it." Unless you've got a whole bunch of it, you haven't broken the law. But the law still says it's unlawful.

Mr Turnbull: Would you foresee a useful action would be to bump people down from level 2 to level 1 if there was some serious violation of the graduated licensing?

Mr Harley: I would see no problem with that whatsoever.

Mr Turnbull: One of the arguments that is made against that is that people during level 2 can apply for and go into getting truck licences. That might be their

method of employment, and if they lost their level 2 licence, then as a result of that they wouldn't be able to be employed. How would you respond to that argument?

Mr Harley: I believe a doctor has to follow certain rules if he wants to remain being employed as a doctor and if he violates those rules, he no longer can operate as a doctor. What difference is there between that and a truck driver?

Mr Turnbull: Yes. I think that's perfectly reasonable.

Did I understand you correctly to say that in level 2 you would like to see an accompanying driver?

Mr Harley: That's correct.

Mr Turnbull: In all circumstances of level 2, or just those new experiences that they haven't been allowed during level 1, that being night driving and 400 series roads?

Mr Harley: We hadn't discussed the difference. The discussion that we had on this was in the preliminary stages with the Insurance Bureau of Canada people, and my recollections of the discussion at that time was that during that entire period of time, it's a learning experience, and as all of us know who have driven for any period of time, there's always that time, even though sometimes we wished our wife wasn't talking to us when we were driving, that we really appreciate the fact that she said, "Watch it."

Mr Turnbull: In my discussions with the Insurance Bureau of Canada, they've indicated to me that they would like to see an accompanying driver in those new experiences which you haven't had in level 1, that being the night driving and the 400 series highways. Is that something you could probably live with?

Mr Harley: We'd have no trouble living with that at all, sir.

Mr Turnbull: You mentioned, if I understood that correctly, that in level 2 you wanted a driver with two years' experience.

Mr Harley: I don't think we had any difference with the insurance bureau at that time on how much experience they had, and I think it was two years for both.

Mr Turnbull: The draft legislation calls for four years' experience.

Mr Harley: I don't even refer to the draft legislation. I go back exactly in my submission today that what was wrong with the way—it looked to be acceptable in the beginning.

Mr Turnbull: When you talk about two years' experience, assuming that this went through, would you have in mind your definition of two years of experience, that being two years after exiting level 2?

Mr Harley: That's correct.

Mr Turnbull: Thinking a little way down the road. 1110

Mr Harley: The experience that we count is that you're a learner until you've become qualified, and once you're qualified as a journeyman, so to speak, it starts on the date that was placed on your licence as the first time you became a fully licensed driver.

Mr Turnbull: During the transition period, how would you foresee that? Would you see any grandfathering, inasmuch as you could have somebody who's just got their licence with a few weeks of driving experience?

Mr Harley: I would think that would be a very difficult thing and I don't know how that would be handled, but I guess it's the same in a lot of things that we do. Somewhere along the line we have to bite a bullet. If it means that somebody got in under the wire, so be it.

Ms Christel Haeck (St Catharines-Brock): First of all, I'd not only like to thank you, Chief Harley, but I'd like to at least mention that we have Sergeant Harry Artinian—he's now retired from the Niagara Regional Police Force—here in the audience, but Harry for years did a lot of the safety work here with the school boards and makes me aware of the kind of safety that we really should be seeing on the roads. One of the concerns he's mentioned is signage, as well as definitely the current situation on the Queen E with the wooden posts there as opposed to some proper barricades.

The previous presenter also made some comments about seeing some changes—maybe not agreeing with them—in some of the road construction. Would you see the road safety agency working with the police and really looking at some of the designs that really should be incorporated into our highways?

Mr Harley: Actually, what I saw in that agency is the ability for people from different expertises to come together whose main objective was the saving of lives and the reducing of injuries on the road. I have no idea how to design a highway and policing; I sure know how to give out tickets. But if we could set and bring the public—that was what I liked about it. I saw the government say, "We want the public to have a say so we're going to bring them in."

I don't know if it's procrastination or not, but it's not happening yet and we've been meeting and meeting and meeting. I'd like to see that go along, because Harry's a dear friend of mine and has been instrumental in this area with teaching children safety for so many years and he understands fully the fact that we all need to have a part of it. We can't stand alone in any given area in this province. We need everybody to be part of it and we have to have the attitude of the citizens of Ontario that we want safer highways and that we're going to do our individual parts to make that happen.

Ms Haeck: Just quickly—Mr Dadamo is the parliamentary assistant—have you got any comments with regard to where the road safety agency—how that's moving along, along with the graduated licences, to answer some of the concerns the chief has mentioned?

Mr Dadamo: Yes, thank you for bringing that up. I think it came up yesterday as well in Ottawa. I can't at this time tell you what mode they're in and where they are, but certainly we can get you an answer to that.

Ms Haeck: Do I have a little more time?

The Chair: Yes.

Ms Haeck: One of the concerns that as a rural member—St Catharines is obviously very much an urban setting. I also represent the part of the riding that includes Niagara-on-the-Lake. I'm thinking of some of the residents there whose children may be driving a range of farm vehicles that don't really require a licensure but they're getting on these different motorized tractors as well as jitneys to do their work on the farm and they may be required to help the family as they get to the point of actually driving the car. Tillsonburg obviously is in that farm country as well. The kind of recommendation you're making for the level 2 might be seen by some in the rural areas particularly as being somewhat onerous. How would you respond to that?

Mr Harley: I think we're in the situation—although onerous, there are many things in life that are onerous simply for the fact that everybody has to have a rule. I think that too often we have the exceptions to the rule, and every circumstance that I've seen in a rural area that has come along to make things more difficult has been overcome somehow, and I think of busing of kids to school. When the bus quit picking them up, they still got to school, because the individuals had to change their mind, "We can't afford buses any more, so we're going to have to make sure they get there some other way." I deal daily with the people in a rural farm area and they really have the same idea, "If we can do it, we will; if we can't, we won't."

Mr Offer: Thank you for your presentation, chief. I think it's very important. I think you spoke about some of the real issues around graduated licensing. You'll be aware that the presentations that we have heard have been, I think, almost unanimously in support of the principle of graduated licensing, as I think that everyone here is in support of the principle of graduated licensing. I have a couple of questions and I'm wondering if you might be able to help me out on this.

It seems to me that in order to effectively enforce some of the aspects of the proposal, the licence permits are going to have to be changed. There's going to have to be a little bit more information on your licence as to when you entered the level 1, when, in terms of dates, you were generally licensed, in order to better allow for the enforcement of the licence. We just can't use the

CPIC system all the time. Officers are just too busy. Is that the position of the OACP?

Mr Harley: Actually, it is, and we saw the licence changing slightly to include that date—it was something that we saw necessary. For level 1 and level 2 identification, we thought it would be really easy, because each one of those could have a different colour, whether it be that the paper it was written on was a different colour or that it was laminated in a different-coloured plastic, that automatically, when it's pulled from a wallet, you don't have to be a Rhodes Scholar to see that it's pink and that's level 1, that type of thing. I think it's necessary that this happen and I don't think it's a problem.

Mr Offer: That's a great suggestion, actually.

There are two other matters just before we go over to my colleague that I want to talk about.

It's clear now that obviously, someone under the age of 19 cannot drink in this province. They will be able to have some form of licensing privilege, but they can't drink. Yet if someone is driving under that age in possession of alcohol but not over the legal limit, there is no penalty to that person. They do not suffer any licence suspension. Does the OACP have a position as to whether there should be a suspension of a licence to a young person who is in possession of alcohol in contravention of the legal age?

Mr Harley: I think we believe that nobody, no matter what age, sex, colour or creed they are, can drive a car as well after imbibing as they can when they have not been. The issue is, is it lawful for you to be imbibing or not? We have no way at the present time to screen those things. There are devices now that are being put on the market that will measure zero, which we haven't had in the past. However, we need some legislation that allows us to also do that testing without any other grounds other than the fact that you're in one of those positions, that you are a learner licence or you are the driver in charge and, for that reason alone, must submit to a test.

1120

Mr Offer: I thank you for that, because we were given some very, very alarming statistics by the chief coroner, Dr Young. It just clearly shows that there has to be a greater penalty to a young person, in the care and control of a vehicle, having alcohol and under the legal limit in terms of age.

My last question deals with the driver display. I will be frank: Though I am in support of graduated licensing in principle and I think there are areas in which we can actually strengthen it, I have had some concerns with the driver display. My concerns stem from the fact that you are putting this sign on a car at a time when a lot of signs are being taken off.

I know there are jurisdictions where they are taking signs off cars that designate the car as a rental car.

There are insignias that are being taken off. We have heard that when there is that sign, there is the possibility of not only detracting, but attracting difficulties, that sometimes people are trying to be overly cautious, which might cause some concerns.

There's also possibly the cause of concern that there are individuals who will know then that it's a young person, a new person, an inexperienced person, even though they have an accompanying driver. I have some concerns about sending out a message or a signal that that's who's in the car at this time. I am wondering if you can help me with those concerns. My concerns really stem from young people who don't have that experience, obviously.

Mr Harley: Mr Offer, I think the removal of signs from vehicles has tended to be a sign that could render that person a victim. I think of the handicapped licence plates. But I know that as a young person in Europe in the 1950s—that's where I started to drive because my father was in the armed forces there—you had a sign. That sign still, I believe, in all of Europe, is present today.

I understand what you're saying, but I look also on the fact that you and I have the ability to be a defensive driver in our car when we know that the person in front is learning. As you've seen people learn, they brake quicker, perhaps, than they would had they had experience, and then you go right into the back of them. If you know this is someone who's learning, you could be prepared to know that he may do that or the signal might not come on when the turn is being made and all those things. I think it's good to know that we can help that new driver by having a little more understanding and being expectant that they may do something that we wouldn't do.

The Chair: I'd like to thank the Ontario Association of Chiefs of Police and you, sir, for appearing here this morning. You've obviously initiated some very interesting discussion and made some interesting recommendations and suggestions.

VICTIMS OF NO. 1 SIDE ROAD, BURLINGTON

The Chair: The next scheduled witnesses are from Victims of No. 1 Side Road, Burlington. Good morning and welcome. If you could identify yourself for the purposes of Hansard and then proceed with your presentation, you've been allocated one half-hour. The committee would like a portion of that, approximately 15 minutes, if it's possible, for questions and answers and dialogue. Proceed at your leisure.

Ms Kim Duncan: My name is Kim Duncan. I'm a constable for Halton regional police. I'm one of four constables responsible for investigating fatal motor vehicle accidents in the Halton region.

This morning I'm here on behalf of the families from the 1 Side Road fatality in Burlington. This accident

happened on June 11, 1991. It was a result of the actions of an irresponsible young person who ended up in a motor vehicle collision which led to the fiery deaths of four other young persons. These other young persons were trapped in the vehicle.

This tragedy starts with the young person failing his driver's licence on February 23, 1991. Shortly after failing his driver's licence, this young person was sent, in accordance with the Young Offenders Act, to a correctional facility, during which time in this correctional facility he received drivers' education, a course that was taught in this facility.

On the date of this collision, this young person received early release from the correctional facility. He did not serve the full time. If he had been in the correctional facility at this time, at the time of this accident, the accident would never have taken place.

On June 11, he took and passed the test to obtain his driver's licence. He met a group of his friends at a local high school. Later in the evening, this young person drove five other young persons to the area of 1 Side Road, a rural area in north Burlington. This is a roller-coaster road, approximately three kilometres long. On this road, should a high enough speed be reached, the vehicle will catch air. This young person did so, lost control of the vehicle at a speed of 130 kilometres. The vehicle left the roadway, rolled and burned.

During the investigation, we went back and tried to re-enact what had happened in this accident. We had a professional driver drive the road. We did that on video. That was during the day. I, myself, drove the road in a fully marked police cruiser at night. I would not go over the speed of 80 kilometres—that's how dangerous this road was—and it's an event that kids take part in, in the rural areas, frequently.

The repercussions of this accident had a detrimental effect on the entire community. On behalf of the families of the 1 Side Road, I would like to say that this proposed legislation, the legislated amendments to the Highway Traffic Act, are both timely and fortuitous. The families welcome this.

We will always ask the question: Had this legislation been enacted in 1991 would we have lost Chris Evans, age 15; Jodi Robins, age 15; Scott Grenier, age 17 and John Newby, age 16? Other senseless deaths must be prevented.

The areas I will be focusing on are the regulations and amendments and, in addition to this, there are other recommendations that I would like to speak about.

In regard to the regulations, in the section under definitions, it states: "Valid driver's licence" means a driver's licence that is not expired, cancelled or under suspension."

The request is that this section include graduated licences.

In section 4, with a class R licence, you may drive a motor vehicle on a highway subject to the following conditions.

It is a request that an additional condition be added, that there be a graduated licence pertaining to motorcycles; that is, cc's in relation to a driver's experience, much like they have in Europe. You are now allowed to go through your R licence at the age of 17 and get on a supercycle. It's just a rocket.

Under section 5, novice licence conditions: Once again, which has been talked about this morning, accompanying drivers' blood alcohol concentration must not exceed 0.05 milligrams. The request is that this be zero. We want to lead by example.

Concerning subsection (3), in regard to the number of passengers, it states that number of passengers must not exceed seatbelts. We must eliminate distractions, eliminate passengers. This is also required for the G-1 and G-2 classifications. I think the only exception to the rules would be families.

1130

In subsection 5(5), "Vehicles may not be driven by novice drivers between midnight and 5 am," the families requested that this be moved to 11 pm for the purposes of accident prevention.

Concern in section 4: A Licensed driver instructor is qualified to act as an accompanying driver although as the instructor he has not held a driver's licence for at least four years. This, in my opinion, contradicts section 2. We would like to see the driver instructor have four years' experience. In addition to this, we would like to see that a regulation be established for driver instructors to be properly educated in the education of teaching young people as well, instructional techniques.

In relation to this accident on 1 Side Road, we found that the driver instructor was not fully qualified to teach all phases of the driver education program, and it is well known that even in the high school level of driver's education, some teachers have no driver's education courses.

With regard to the licensing in general, subsection 12(a) and (b), "Qualifications require that every applicant or holder of a driver's licence does not have a mental, emotional disability or addiction that will interfere with his or her ability to drive a motor vehicle." The concern there is, how would you know that? Through a questionnaire? We know how people falsify documents in order to obtain their licences.

Subsection 13(1)(a), examination of a person's knowledge: We request that the test be redesigned and expanded to include the areas such as knowledge of night time limitations, visibility when approaching intersections and the effects of drugs and alcohol.

Subsection 13(1)(b) is demonstrate the person's ability to drive: The request is that the test be rede-

signed to encompass the true ability of a driver. For example, we have skid schools. We have a lot of resources that we can look at. The test right now does not reflect the driver's ability, and even to take one step further, this is also seen when you're relating to senior citizens. They have what they call retesting, but it's the old boys' club: "Oh, Mr Brown, I see that you're 75 years old and we're going to retest you. How are you feeling today?" "I don't feel that good." "Well, come back tomorrow." He comes back tomorrow. "How are you feeling today?" "Great." "Okay, let's do your test." That's the way it is. There must be a testing system that will reflect people's ability to drive.

Concerns in regard to subsection 13(2), the exiting test: Request that driver's records search be conducted. If there are any violations, the penalty phase is implemented. Take them right back to the start.

With regard to novice licences again, concerns; subsection 27(13), driver's education credit. Education does not replace experience. This must be emphasized. Education credit format will hopefully identify the offenders before a tragedy, but to give credit is a concern.

In regard to the amendments to the Highway Traffic Act, respecting novice drivers, in section 4, it authorizes a police officer to test novice drivers and the novice driver's accompanying driver for blood alcohol.

Request: Make people accountable; suspension plus a fine for novice drivers who consume any amount of alcohol. In addition to this, make them start from the beginning as a result of the penalty phase. There should be a heavy fine and points levied against the accompanying driver. Again, the accompanying driver must have zero BAC. Once again, this is learn from example.

In regard to the other recommendations, the entire drivers' educational system must be revamped to reflect a consistency throughout the province. In addition to what is presently taught, there must be a new emphasis on safety.

I've also included a statistical chart that we just happened to do in preparation for an inquest meeting with the coroners. At first, I felt that maybe most of the accidents involving 16- and 17-year-old drivers in the region of Halton would be a result of young drivers not taking the educational courses. This was completely opposite.

We found that in 1991, of all young drivers between the ages of 16 and 17 who were involved in an accident, 70% had professional driving lessons. That's not the school or the family, but a professional agency. In 1992, it was 77%.

We looked at this to the point of saying okay, maybe we have a high majority of people taking driver's education through a professional agency, and therefore you're going to expect more accidents. That's true, but

what this tells me is that there must be a different emphasis on what we're teaching in regard to drivers ed. There must be a new phase called "safety." Maybe we're looking at the wrong thing. Maybe we've got to identify another phase that we must concentrate on in order to make these people responsible drivers.

In regard to drivers and passengers and seatbelts, I think we've had enough talk, enough publicity about wearing a seatbelt. It's time that points be assigned to seatbelt violators, enough points to make a difference, because it is what saves lives.

Another concern is that drivers' education must be for those who consider driving and learning to drive a privilege. Persons who show a disregard for the rules of society should be prohibited from courses in drivers' education while under the auspices of a reform or correctional facility.

The next point is that the judicial system must take notice and the legislators must assign the fine/prohibition to fit the offence, especially for the novice driver who is a repeat offender.

My final point is to eliminate the use of Walkmans, radios that have microphones or any type of earphones with which you're listening to music. Walkmans must be eliminated for drivers in all vehicles.

In conclusion, the graduated licence system is imperative. It will save us money in terms of increasing insurance costs, medical treatment, rehabilitation and it will save our greatest natural resource, our young people.

Ms Haeck: Thank you very much, officer, for coming before us. I'd like to refer to page 9 of your presentation. There was a section there which I didn't hear, I'm sorry, but you made a comment about people over the ages of 70 and 80 as far as retesting is concerned. Is that a point you would like to have on the record, or did I sort of overhear the fact that you mentioned it?

Ms Duncan: I spoke briefly about it. Right now we're seeing an increase in accidents involving senior citizens and, as I said, the retesting of senior citizens in certain facilities is a laugh; it's a lark. I think there has to be some type of examination. For instance, I've included in here a doctor's letter stating that this senior citizen is capable of operating a vehicle, and if he thinks that the hours of operation or the distance this person can drive must be restricted, then it must be so stated. That condition can be easily listed on the computer system for us to know.

1140

Ms Haeck: Okay. We've heard other suggestions before this committee that there should be regular retesting of all drivers. Any comment about that?

Ms Duncan: Of course there's going to be retesting when you reach a certain age. That retesting has to have

a number of identified areas in it, such as, as I've already stated, a doctor's note. In regard to drivers who are repeat offenders, I think retesting will not be sufficient. There must be some kind of educational program to go with it. In regard to people, for instance, who have lost their licence due to drinking and driving, there must be an educational phase. Penalties do not work for the repeat offender. There has to be some kind of educational phase put in.

Ms Haeck: I'm not sure if there are any other members who want to ask some questions from our side.

The Chair: Mr Wilson, very briefly.

Mr Gary Wilson (Kingston and The Islands): I'd like to follow up on the education issue. Were you surprised by the statistics you found, which you list on the last page in the pie graph, about what appears to be a surprising number of drivers who have gone through professional driving instruction?

Ms Duncan: That was extremely surprising to me. What it tells me also, with the young people, is that they're receiving this professional education in driving and it might be that they're overconfident now. "Yes, I've seen a movie on how to get out of the situation," but when you actually put that in real experience it doesn't always work that way.

Mr Gary Wilson: I see. So attitude is a big component of that then.

Ms Duncan: Yes.

Mr Gary Wilson: Are you very familiar with the professional driving instruction courses?

Ms Duncan: I did research it during this 1 Side Road—

Mr Gary Wilson: I mean, to see what is involved in the educational aspect, the training that goes on in them.

Ms Duncan: I've had the material. What surprises me is that it's up to the instructor on how to present this material, and that's the problem. There is no set agenda for every instructor to follow that. He has the material and he says, "This is what we're going to do today." If he wants to skip a phase or just briefly talk about a phase, he will do that. There is no consistency.

Mr Gary Wilson: How many hours of instruction do police officers get as far as driving goes?

Ms Duncan: Right now, every police force, and it has just started at the Ontario Police College, will receive—recruit training includes driver instruction. That is throughout the first phase of their recruit.

Mr Daigeler: Thank you for appearing before the committee. With regard to the accident statistics in relationship to the driving schools, I think probably, and I think you recognize it yourself, a more meaningful comparison would be the accident statistics in relation-

ship to each category; in other words, how many people took driving training through the family, how many through the school and how many through the provisional driving schools, and how many of those got involved in accidents in relationship to the total number for each category. I guess you don't have those figures, because I presume it would be extremely difficult to gather those.

I think the way you have it is probably a little bit unfair towards the driving schools because I would expect, as you said yourself, that because most people—or two thirds basically—are taking driving schools, obviously you'd expect a much higher number of accidents in that category. You'd hope not, but I think that stands to reason. I don't know whether anybody else has done that kind of comparison. I think it would be interesting—perhaps the ministry—if they have that. It would be useful for us to have these figures.

My question, though, relates a little bit to the accident you described, which was of course very tragic, but again we're coming back to the attitudes. As you said yourself, even penalties sometimes don't work and therefore we have to educate people. One has to ask oneself, what is it that made these four young people go into the car with this young driver, who was apparently just released that day, had just got his licence that day? Why were there four other children who didn't have enough sort of sense, as it were, not to put a young person to the test? I'm just wondering whether you might want to comment on that.

I don't want to blame these young people, but again I think it points out the real problem we're dealing with. Other presenters have described this as an attitude problem. Young people are just simply, for lack of experience or whatever—they like to take risks and sometimes they just do stupid things. We adults do them too, but perhaps a little bit less frequently. I don't know whether I'm speaking for myself. I hope I do it less frequently than when I was younger, but who knows. I just wonder whether you might want to comment on that. I think all of us have a responsibility to try and avoid situations that could develop into a problem, and this was obviously one of them.

Ms Duncan: I think I can answer that in two ways. First of all, for those other kids in the car, you'd be saying, "Who would ever think something like this would happen?" It's peer pressure as well, "Let's go do this," and everybody agrees. There's probably going to be one person thinking, "Maybe we shouldn't be going this fast," but you're not going to say anything. This is where the graduated licences have to take that decision away from these young people.

The second note I'm just thinking about is that we have many situations in which young people get tickets, multiple tickets, and there have been comments made to me by a parent, "Well, I guess I'm going to have to pay

for this." So then again you've got an attitude thing, "If Dad's going to pay for this, Mom's going to pay for this, no big deal." The risk-taking is still there. The graduated licences will take that risk-taking attitude away because they're going to be penalized. The parents aren't going to be penalized financially. It's important that this legislation identify the driver and take away the responsibility of decision-making and other people in the vehicle.

Mr Daigeler: We're certainly all supportive of the graduated licensing proposal. If anything, we want to strengthen it further.

My point is simply that we can't just put everything on the government and on the laws, and I'm sure you agree with that. There comes a point when all of us, and you said the parent as well, will have to keep hammering this home, "Don't put yourself and don't put others into dangerous situations." Frankly, that one was obviously one. I would not encourage in any way, shape or form my kids to ride with somebody who has just that day passed a driver's test.

One other point, and that's frankly something that has come out in the hearings and it surprises me, is that there seems to be a fairly high representation of people who have been in the correctional system who are involved in accidents. Is that your experience as well? Several people have mentioned this, that there seem to be quite a few people who, either because of driving offences or other offences, are in the correctional system and who then after they're released are causing accidents. Is that something that you are familiar with?

Ms Duncan: I've got no knowledge of that. All I could say is that people who do have multiple accidents or multiple violations of the acts do frequently end up in trouble.

1150

Mr Jackson: Thank you, Constable Duncan, for your very clear and cogent presentation, and also that which you make on behalf of the families who have lost their young children.

If I can build on the question in Mr Daigeler's mind, I guess your brief speaks to two issues, one overtly, which is that you wish to ensure that the public changes its attitudes, and our legislators can do that by reinstating the notion that driving is a privilege, not a right.

Ms Duncan: That's right.

Mr Jackson: Secondly, the sort of covert message is that you can't legislate common sense, and therein lies the difficulty. For families that have had to bury a loved one or for you who have had to arrive at a scene, and the scene in this instance was rather horrific, you're very much motivated to ensure that we get the attitudinal change and that the rules for society are adjusted substantively in order to reduce that amount of carnage.

Ms Duncan: That's right.

Mr Jackson: In that context, then, I want to focus in on one of your recommendations which is of concern to me. We have heard from students across Ontario, some of whom feel threatened by these recommendations, and we've heard from students who have legitimately and honestly come forward with the notion that peer pressure does change driving habits.

If we were to poll the students at M.M. Robinson high school who witnessed the death of four of their students, there would be about 80%, 90% even, support for the notion that there be no passengers in that vehicle except for immediate family members, and yet this legislation doesn't address that. Could we go into that in a little more detail? Because I think this is an area of reform to this bill. It's a good bill but it can be better.

In phase 1, could it not clearly be a restriction that it only be family members, and that in phase 2 there is some flexibility? There has got to be some degree—and I hate using the word "compromise," but if that's what gets the notion across, again, as I say, that a 20-year-old who has been in the young offenders' facility but with a licence or who has repeated grade 13 for the third time, which was an analogy I used, is not the supervising driver, again, with a bunch of 17-, 16- and 15-year-olds in the vehicle.

Can you comment more clearly on behalf of the families that have expressed this concern? I do note for the record that you indicate the exemption to the rule on page 5 would be for family members, but your presentation suggests we eliminate the distractions, eliminate passengers, and require the same for subsection 6(1).

Ms Duncan: I guess there are two ways you can look at this. You can have family members in the vehicle; no problem there. But if these family members end up being a distraction or everybody is giving you instruction on how to drive, that could be a problem. I think the only solution there, if you have a number of people in your car who are your family, is to let a licensed driver drive until that person gets more experience.

Mr Jackson: I know my colleague wishes to ask a question, but just briefly I want to underscore, as the Community and Social Services critic for our party, that I'm not unaccustomed to working with young offender issues and I certainly underscore your recommendation, the first of its type in this area, where you've recommended that if driving is a right and not a privilege, it seems a cruel irony that young people of limited means in this province have to pay for driving instruction, but if you've broken the law and are deemed to be a threat to society, you're given your driver's instruction free at taxpayers' expense. This is a terrible, cruel twist of where our priorities are. In my view, it refers back to your presentation and the chief's who preceded you with respect to this being a privilege and not a right.

I know my colleague wishes to ask you a brief question, but thank you very much, Kim, for your presentation on behalf of the families.

Mr Turnbull: Constable Duncan, thank you very much for a very comprehensive set of recommendations. I assure you, I will push forward a lot of these.

I suppose I was struck by your charts, the degree of driver education that people had had. That frankly shocked me. Is it your impression that driver education on the whole is not up to snuff in this province?

Ms Duncan: I believe it's up to snuff, but the problem is that it's not being taught consistently. There must be changes in it to emphasize a different area, which I call safety.

Mr Turnbull: Things like skid testing and such?

Ms Duncan: That's right. Maybe we should emphasize the attitude of safety rather than, "If you do this, you're going to end up losing your licence because you've accumulated too many points."

Mr Turnbull: Do you feel that mandatory driver education should be a component of graduated licensing?

Ms Duncan: I would like to see everybody receive driver education, but I guess we're looking at a number of different scenarios. But I would most certainly welcome that.

Mr Turnbull: Do you think the police should have more of a hand in sort of supervising this in some way? I'm not suggesting that they become the instructors, but just to have some say in what is taught?

Ms Duncan: Actually, in our region, we do get asked by the driver education teachers to come to the school, and we do presentations on it. In addition to that, our crown attorneys come in and talk to the young people as well and tell them what they can expect. Our crown attorneys, of course, are all trained because they take the time to come out with us and see what actually happens on the road. We're probably one of the few regions where everybody works together.

Mr Turnbull: Because you mentioned testing of those people over the age of 70, for your information, there has been some discussion on this committee about the fact that there is at least an investigation going on in the ministry at the moment for potential gradual delicensing so that there would be a stepped process by which people who maybe have poor vision at night as they grew older would lose that privilege. So that is being considered. Why did you choose 70?

Ms Duncan: Most of the fatal accidents that we've had in our region have been in fact between 70 and 80. We find, even with the minor accidents, that this age seems to be the start point of the problems. We've identified that.

Mr Turnbull: Turning to your questionnaire on

page 7 and your concern that seniors filling it in—or anybody, in fact, with some impairment—may cheat on that, what would your suggestion be?

Ms Duncan: That's what we didn't know. Maybe a driver's history search would identify a problem, or maybe a doctor's letter for people who could possibly fit into that category.

The Chair: Thank you very much, Constable Duncan. I'd like, on behalf of the entire committee, to thank you for appearing here this morning. You have a very comprehensive brief with an excellent set of recommendations. It has certainly, I think, motivated a lot of interesting questions and answers and discussion among the committee members.

The committee is in recess until 2 pm.

The committee recessed from 1158 to 1401.

SUE MacNEIL

The Chair: Could we call the committee to order, please. The first order of business and the first scheduled witness this afternoon is Sue MacNeil, if she could come forward.

Mr Sean G. Conway (Renfrew North): Round two.

The Chair: Round two, yes. It's nice to see you again. I have to admit that I think you were there every day in Toronto, listening to the hearings, and we appreciate seeing you here now, presenting in St Catharines. As you probably know, you've been allocated one half-hour for your presentation and the committee would like about half of that, if possible, for questions and answers and dialogue.

Ms Sue MacNeil: No problem. First of all, I want to apologize to the ministry for the error in the first presentation, where I brought up D vehicles because I had not seen the actual legislation, and as it was cleared up the next day, that has been included, which makes me, as a rural person, very pleased.

Secondly, I want to apologize for my voice. I'm sorry. I hope you can all hear me and I hope it will stay with me for the rest of the presentation.

Today I come before you not as a president of any association but as a parent and a member of this province, but most importantly as a voter.

This is in response to the Ontario government's proposal for graduated licensing. The areas that I'm going to be discussing are the 400 series, the Quebec-Ontario border and education.

I would like to take this opportunity to back the position presented to the committee on behalf of the Road Safety Educators' Association last week. Today will be an extension of that position and will revisit some of the issues that were raised at that time. At this juncture, let it be clearly understood that we need graduated licensing and we need it now.

The Quebec-Ontario border question: I'm going to

have to ask if there's a ministry person who can answer this because I'm going to make sure I ask the question before I make a comment.

The Chair: Mr Levine, the resident expert, as always, is close by a microphone.

Mr MacNeil: Okay. The question is this: Coming from a Quebec-Ontario border community, as some of the members of this committee are from Renfrew, brings me to my first question. How will individuals that have a full licence from another jurisdiction be treated in Ontario? I'll qualify that. I do not mean, how will they be treated if they move to Ontario; I mean, how will they be treated in Ontario as licensed from another province?

Mr Levine: I take it the question relates to a Quebec driver, for example, residing in Quebec, operating under a Quebec-issued licence.

Mrs MacNeil: Yes.

Mr Levine: If offences occur in Ontario, convictions may be registered in Ontario. I believe we have reciprocity with Quebec—

Mr Dadamo: There is reciprocity with Quebec and New York state.

Mr Levine: —to record any violations on each other's systems.

Mrs MacNeil: Now I can say what I think I'm okay in saying, then.

If a full licence is to be accepted as a full licence in Ontario—ie, if we have reciprocity—what is to stop individuals from using an aunt's or friend's address in Quebec and simply getting a Quebec driver's licence, using that until the time period expires and then changing to an Ontario licence?

If you think this is not going to happen, I would just like to ask anyone who has anything to do with the Ministry of Education or the Ministry of Health whether or not fraud does exist in that issue. I just thought I'd bring that to your attention.

The Chair: The Ministry of Revenue.

Mrs MacNeil: Yes, that ministry as well.

That's one of the problems I foresee in my own part of the province as being a real problem. I think if you live in Renfrew, it's not very far to hop, skip and jump over to Fort Coulonge and get a Quebec licence, do your two years and there you go. Why would you put yourself in a position to go through graduated licensing if you feel this is a problem when you could get around it now?

You're going to say, "Well, what's the solution, Sue?" It would be advantageous to have a data bank that includes casewise cross-referenced entries for issues involving provincial residence requirements, as we have in those ministries I mentioned, to decrease the incidence and magnitude of fraud without having to do a

manual search when the incident has occurred, which is exactly what Mr Levine pointed out. These would include such databases as health, education, social services and transportation, because currently there is no such data bank I am aware of; I'm not aware of any.

The 400 series: Again, I want to address the issue of the 400 series. If there is no evidence to suggest that the 400 series itself represents a distinct risk for new drivers, this begs the question: Why are you considering restricting the use of the 400 series at all? If you are concerned that speed is indeed an identified problem, then you must ask yourself, "Where have these incidents of high-speed crashes involving new drivers occurred?" If the answer is on secondary or King's highway roads, then it is imperative that you not restrict the very roads that have been seen to reduce the incidence of high-speed crashes, ie, limited access multilane thoroughfares.

In the eastern and northern part of the province we have few 400 series, and those we have, we treasure. The safest part of the northern route of the Trans-Canada Highway is Highway 417. When you go from the 417 to just plain old Highway 17, you increase your risk factor by many times. Due to the fact that this is also a transportation route, there are many different types of road users, from large tractor-trailers to commuters, to cyclists, to tourists to school buses. This sets up situations for increased speed differentials which are causally linked to head-on crashes, for which this highway is notorious.

We in the upper Ottawa Valley have been diligently fighting for a limited-access multilane highway, an extension to 417, specifically to reduce the death and injury that the people in our part of the province have been subjected to over the past decades. Now we hear that you would entertain the notion that even if we get such a safe road, you may consider asking our most vulnerable group of drivers, those without the experience to deal with less-than-optimum situations, to find alternative routes, routes that have statistically been the sites of more carnage than the 400 series. I think this would be very difficult for anyone living in Renfrew, Pembroke or Arnprior to accept as being in their best interests or the best interests of the new driving population.

Now I'm going to go on to the area of education. Let me start off by saying that I believe that the key to both having people buy into the concept of graduated licensing and actually reducing crash rates is contingent upon education in conjunction with effective, reasonable and supportive legislation.

1410

After reading and hearing a number of submissions to this committee calling for more driver training, let me caution you that the issue of education is a complex one and one that bears a little closer scrutiny.

There are significant differences between training and education. Training relates much more closely to the performance of skills, the physical manoeuvring of the vehicle; it's usually thought with a stimulus response and has a lower level of understanding, and it's really considered to be procedural knowledge, whereas education gets into the higher cognitive things such as problem-solving, choice decisions and life choices and gets into the underlying principles and concepts, a higher order of cognitive skills, and that's where we start dealing with risk management. So I really caution everyone to be careful in the vocabulary you choose when you're talking about education and training.

If we want to effect change through education, we must first identify what the problem or need is and address the specific concern at hand, whether it pertains to an individual, a community or the public at large. Education to facilitate social change should more appropriately be considered a process, not a product, at whatever level it is undertaken. So to facilitate change, education must centre upon the learner. Education is a process, not a product, particularly if we're looking at social change.

For the graduated licensing system to be embraced by Ontario residents, three levels of education must be undertaken: education of individuals, education of communities and education of the public at large.

Education of individuals would focus on, first, how the changing system addresses their needs and what effects these changes will have on them. Education to lower crash rates should emphasize rules of the road using a systems approach so new drivers clearly understand how they fit into the overall picture of being a responsible road user.

In-car training should teach sound vehicle handling skills and we must educate new drivers to recognize hazards, make appropriate decisions that take both their own limitations as well as their vehicle's limitations into account under varying road and weather conditions. It is at this level of education where we may be able to make explicit new drivers' social responsibility concerning road use. Above all, this education must take into account individual differences in a way that allows new drivers the opportunity to develop and optimize their risk management skills.

It is essential that province-wide community education programs be instituted, since in many instances the rural community has been sadly neglected with regard to these types of programs. High schools and other places where groups of youth congregate should be targeted for education concerning how they, as a group, will devise innovative methods to deal with the new system and its restrictions if the government sees fit to place more of the restrictions in phase 2, which seems to be what a lot of people are asking you to do. As well, the public should be made aware of the rationale

for this legislative move so that they understand it is not to restrict them but to protect them.

Finally, different types of communities that we have to concern ourselves with are geographic communities. Server intervention programs, the RIDE programs, selective traffic enforcement programs, particularly in the rural communities, are sadly, sadly lacking, and just to put a piece of legislation in place without the backbone of these programs in rural Ontario would really not serve the benefit of the people.

The psychographic communities, the high school sporting groups—for instance, if in December you were on a basketball team in Renfrew and you wanted to get home, you have to consider that these people are going to have to devise methods and work with those groups rather than dictating to them. Young people are extremely innovative and they will come up with ways of being able to manoeuvre these if we help them and allow them at least some latitude, which is what we've been trying to suggest with our novice peer, youth groups and particularly new Canadians.

The other communities that we need education with specifically in Ontario are the demographic communities, the teens—and I think Ontario Students Against Impaired Driving is doing a wonderful job and we could take some lessons from the work that they've been doing and maybe enlist them in some of the work we'd like to see done with graduated licensing—single parents and seniors.

Finally, educational or any other type of incentives should be so designed that they do not disadvantage parts of the province and that they have a high probability of meeting the stated objective. It appears that driver training and education is of major concern to many of the presenters at these hearings. With regard to educating the public, we have to let them understand clearly the merits of graduated licensing, the lives it will save, the injuries it will reduce or prevent and how that, in conjunction with other programs, will increase responsible road use.

I sincerely hope that the issue of education is given a high-profile position in the final report of the committee. However, please bear in mind the complexity of the educational issues involved. Whenever we're using an educational incentive—people asked me the last time I presented why I chose the time lines I had chosen. I'd like to bring your attention to these two points. This is where I believe driver education gives the biggest bang for the buck:

At the first stage of phase 1 is number 1. If you remember, what we're looking for is to get experience, so we want education to come at the first part of phase 1. This starts the student off on the right foot and parents or copilots are less hesitant to spend time in the car, thus enhancing the opportunity for experience. It is most typical when we have new students that the

parents want them to wait until they've had some experience with us before they get in the car with them. We don't want them waiting out these periods. The big thing we're trying to get with graduated licensing is to increase experience, but increase it under conditions of lower risk. Really, it's dramatically important to have the education come at the first part of phase 1.

Given that fact, number 2 is at the last part of phase 2. This encourages practice so they can pass the exit test to move on to full licensure, and instructors can facilitate more advanced learning when they are building on experience. Having been one of the leaders in the field in doing follow-up training a year, or six months and a year or two years after initial training, I can only explain how important it is that this level of experience be gained, because it is only after they've had time to make the basic driving skills rather automatic that they have time to understand the complexities and the more complex issues of driving and getting away from strictly braking, steering and the other functioning skills.

In closing, I want to thank all the members of the committee for not only listening to my perspective but the concerns brought forward by the different groups and individuals. At this time, I would like to personally thank David Turnbull for his untiring support and understanding and his diligence in moving this issue forward.

Mr Daigeler: Thank you very much for appearing again in a little bit different surroundings and much farther south. I presume you had some other business to do in the Toronto area on behalf of road safety, but I appreciate you coming again, because I think your analysis is very good, particularly your analysis of the difference between education and training and how much more difficult education is.

Because it is so difficult, I think we also must realize and accept certain limits to what we can do with regard to education. I'm always a little bit supportive, frankly, of the teachers who say—I mean the school system now—"We are putting more and more responsibility on the educational system and we are expecting them to do what previously parents did," or the church, neighbourhoods, communities. Frankly, I think we have to probably get back to that a little bit, and it's in that context that I, first of all, appreciate yourself and the organization that you represent, because I think that is a community response and you are not just relying on the school system.

1420

But there's one other system that I was frankly pleased to hear is now taking an interest in promoting safe driving habits, and that's the public health department. We had in Toronto one public health nurse who said that, yes, they're beginning to see that as part of their responsibility. In Ottawa we had the Ottawa-Carleton public health department. Up to now they had

not seen that as their—even though they came and saw it at that point as a public health issue, in their teaching in the schools that was not part of their curriculum as yet.

To your knowledge, is this seen anywhere else as a public health issue, that the nurses and whoever else is involved in this teaching could become involved and do some of that education you are aiming for?

Mrs MacNeil: Oh, yes. I'm going to go back a couple of points. In 1985, I can remember addressing a group in Toronto and basically explaining that road safety was a health issue, and I literally got booed. "What do you mean it's a health issue; it's a transportation issue," and I said: "But it's a health issue. Every time you save a crash and someone going into the hospital system, you're saving health dollars." I'm not the only one that was saying it at that time. I'm not suggesting for a second that I came up with that idea.

I think Alberta is probably much further ahead than Ontario in that vein, although Al Erlenbusch and his group in the emergency services, which consist of all of two people in the province right now rather than probably many hundreds that they should be, are working diligently and they are funding educational programs like the PARTY program. Those are the kinds of community programs, and that particular one would be clearly classified as a psychographic community program. That's funded directly through the Ministry of Health, and I do see that as a move.

The problem is to try to slot all these things in with the different ministries within this province. I tried very hard in 1991 to bring a promotional campaign that had been developed at the federal level down, and it was specifically dealing with the same issues we're dealing with here, mainly with young people and mainly with multiple tragedy. I had a meeting with seven ministries and about seven different organizations. To have that many ministries in one room I thought was really quite a fait accompli, but unfortunately there was no funding and no one felt it was under their jurisdiction to bring it in.

But there is a move afoot, I would say, generally, overall, given the fact that the most expensive thing that can happen right now in this province is having a two-year-old that's not belted in and someone hit the brake hard. You don't even have to have a crash and you're looking at \$2 million in a closed-head injury. Those are the kinds of issues that I think the health field is becoming more aware of.

Mr Daigeler: Just a very quick question, because I know Mr Conway has a question too: You identified single parents in the groups of communities to be taught special driving skills, and I was just wondering why you were including them.

Mrs MacNeil: No, not to be taught driving skills,

but we leave groups out. If we look at driver education as high school driver education, we leave out a whole area of people that need education. It's the same issue with seniors. And it's not just for their driving; it's the road use and that becomes an important issue.

Let me give you an example. In the area of Norm Sterling's riding, northern Kemptville, there is a group of seniors who decided that they're—

Mr Daigeler: Kemptville is no longer Norm Sterling, but that's fine.

Mrs MacNeil: Is it not? Oh, my good heavens.

Mr Daigeler: Kemptville is Noble Villeneuve. I think.

Mrs MacNeil: Okay. I'm sorry. But in the Kemptville area there is a group of seniors who decided that there is something that should be done, because a lot of their people were either having to move into Ottawa because they were no longer able to drive at night or they had different transportation requirements. So they got together, banded together, and this is what specifically would be a demographic group that got together and educated themselves. That whole concept is spreading province-wide, that you have people who are at home, moms or dads or whatever, who have the ability to drive someone, who will make themselves available. So there's this kind of networking for transportation issues.

I think once we try and move away from this entire one person, one car, one driver and if you don't have your own car and you don't have a licence, you are limited to where you can go—that's really the stumbling block in North America. We think we have to have those conditions to be able to get around, and that's not true. I think some of these innovative ways people are dealing with it are very important, and that's what I meant by educating those groups.

Mr Conway: I take it, Ms MacNeil, that you would want no restrictions on the 400 series for the beginner driver so long as they were accompanied by an appropriate senior driver. That's the way I read your brief.

Mrs MacNeil: Certainly, from being in eastern Ontario, I most definitely feel that way. If you drive down from Renfrew, when do you start to feel safe when you're getting to Ottawa? When you hit Connelly Road and you hit where there's four lanes, or before that, when you can go along and literally every kilometre, "Oh, three people died here three months ago," and a little bit further on, "So-and-so was killed here"? That road is just terrible. There are many reasons why two-lane roads that are not limited access are extremely dangerous and most particularly dangerous for the new-driver group.

To answer your question, do I believe that in the Toronto area? I have not got the statistics to support it, but in talking with other driving instructors, we can

teach people and we can deal with the 400 series because you've got someplace safe to tell people to go, whether they're seniors or whether they're new drivers in whatever format. But when you restrict that and you put them on a two-lane road, it's not that easy to find a solution for them.

Mr Conway: One final question: Like my colleagues, I certainly appreciate the brief and the nuance that you've added to it in terms of education and training. We had a young student yesterday from Stittsville in Ottawa who I thought and I think the committee felt was very helpful, particularly in giving us a sense about attitudes of young people.

The ministry is always very helpful, but in giving me an idea—and it was a higher percentage of failure than I thought it was. I don't know who was here, but I think it's a 35% failure rate now for those seeking to pass what we will now call the level 2 test.

Mr Levine: The basic test.

Mr Conway: The basic test. But my impression, remembering when I was a student, in any course, if you really wanted to modify behaviour, you'd do two things: You'd make certain courses mandatory and, boy, you would make it tough. You would make it real tough. If you were a jerk like me, you'd probably want to make sure that on the first round the failure rate was 65%. So everybody knew that Conway's course is—and you've got to take it. It's not an elective.

You know, when I took this course, I think I failed this course the first time. I've been in for subsequent visits, I might add, over a very sort of ill-starred adult driving career. But I don't ever remember that any of us viewed it as a particularly tough test.

Mrs MacNeil: No, it's not. But it's not comprehensive either. Just be really careful with putting "tough" in there instead of "comprehensive."

Mr Conway: I guess my point is that thinking about what the student said yesterday—and one of the things I'm interested to do when we conclude these hearings is to go and talk to some of these kids now on the basis of these proposals to find out just what their attitudes are going to be. I was astonished yesterday when the young fellow said that a lot of his colleagues—the Chairman can correct me, but I think he said that a lot of people still thought that this wasn't going to happen.

The Chair: That's the way I understood it.

Mr Conway: But I do think it is behaviour modification that we're looking at here. It may be a crazy idea, but the thought has crossed my mind that the test has to become more comprehensive, and the sense that it is important and significant and tough in the sense that you're not just going to breeze in there and pass this thing. Do you have any views on that?

Mrs MacNeil: Do you want me to comment? Yes, as long as the test relates—I mean, you have to

decide—I'm not sure particularly whether or not even the exit test committee has made—I've seen pretty well most of what they've done and I've had the same question and comment from day one, "What are they trying to measure?" It's not that difficult to design a tough test. If you wanted all of a sudden to fail 80% of the people who took the test, that's not that difficult. Whether you fail 30% or 80%, it's not the percentage that you fail; it's that you fail those people who are at higher risk of a crash. That's where you get into something that becomes a little more meaningful.

1430

I'm just going to go on about this test. Is there a test that can look at that? Worldwide, there is a move afoot in the scientific community to develop a measure that looks at safety, nothing else, just safety, incidences of crash, and I'm very proud and pleased to be on that committee.

I'm a little frustrated that Ontario is not moving in that direction, that it is still looking at performance skills. I don't care how tough you make that. You're going to take out those people who can't perform something to a high level. People are not crashing because they can't perform something. You listened to Kim Duncan this morning with the Burlington crash. That young man did not have a crash because he didn't know how to drive the road at 80 kilometres an hour; he chose to drive it at 130. Four people died in that crash, not only one, because six people made a decision to get into that car. Those are life choices.

So it's not important only to talk about driver education, but road safety education. Those young people did not have the skills or the understanding or the wherewithal to be able to say, "No, I'm not getting in that car. That's a death-trap." That's where we're missing it, when we keep focusing on just the driver.

Mr Turnbull: I want to, first of all, thank you. You're the one who brought this issue to me two weeks after I became PC Transportation critic. Had it not been for you, I wouldn't have been aware of it as quickly. There's nobody in Ontario who has done more than Sue MacNeil in pushing this issue forward into the public eye, and she deserves definitely a great round of applause from us all.

Sue, turning to driver education, do you believe we should mandate it for level 1?

Mrs MacNeil: No.

Mr Turnbull: Why do you say that?

Mrs MacNeil: Because I think there are much better ways to have people choose. We're talking about motivation and choice. When people make that choice—do you think that if we mandated university education, we would end up with well-educated—I don't think we would. I think there is a philosophical thing about choosing to be educated.

If you want to hear a twist that may make it more effective, how many of you have more than two children or at least two children? Okay. Many parents will not get driver education for the second or third child because there is no financial benefit. It pays for itself to get driver education for the first one, if he or she's an occasional driver, because you get a reduction in your insurance. This is not news to anyone, right? If the first one's a female and the second child comes along, "Male; okay, it's worthwhile."

Well, I know we're scrapping the gender issue. The third one comes along: "No, education's not worth anything. You can't get any money back for it." Pardon me, but does that mean that the third child in a family, or any child born after the second child, is going to be a better driver? I just find that ludicrous.

I know Stan Griffin is going to pull his hair out when he reads this, but when you figure what the subsidy for driver education in this province is right now, it's close to \$100 million. At times it's been over \$100 million. We could afford to educate every single person who wants to become a driver, plus all the rehab for those drivers for the first period, if we use the funding for that. I know it's off the wall, but we just don't use the resources well, in my mind, when we look at mandating things.

Mr Turnbull: Sue, when you talk about efforts to arrive at a worldwide standard where you would assess the risk factor rather than just the education factor, could you expand on that? I would then like to ask the ministry official what we have done in the MTO in this connection.

Mrs MacNeil: There are a number of areas where we're looking at—I got involved in a conference in San Diego, California, that looked at driver competency, and before that time we were clearly looking at such things as right turns, left turns, parallel parks—I haven't heard too many people dying in parallel parks of late, and yes, it still is a major component both of driver education and of testing.

Mr Conway: It fails a lot of us.

Mrs MacNeil: Yes. I don't know why, though. It certainly doesn't indicate that those people are going to be disproportionately represented in crashes.

One of the things they started looking at were specific populations because, as you're well aware, with the greying population and the aging population there is a problem in deciding—I mean, do you pick a magic age? "Okay, when everyone is 60, we take their licence away; 80."

Then the issue is that if it's not chronological age, what is it? When is it that those persons should start to have their driving privileges either restricted—but of course with seniors it's really not a restriction issue, because most seniors who have got to be 80 have pretty

good risk management skills, and if they know they're going to be at higher risk, you just have to let them know and they'll start to not drive at night or not drive on freeways. They do that in a natural way to begin with, and if they're told about it—so that was where this whole driver competency came from, that whole field. It rests within the medical field more so than transportation, although the research board in the United States is certainly diligently looking at safety as a measurable commodity.

I'm working with a professor from Israel for Transport Canada and it's very exciting. There are a number of people—we're not the only ones worldwide who are doing it—coming up with measures that look specifically at probability of crash. I think that is the best I could do to answer the question. It's fairly new and it's innovative, but it's very, very exciting.

Mr Len Wood (Cochrane North): Thank you very much, Sue, for coming forward. I had a chance to ask a few questions the last time you were here and made a presentation. I think I'm safe in saying that the goal of the government is to make sure that somewhere along the line, from the time that children are 16 years old, over the next 30 or 40 years it will be able to achieve the target of zero fatalities and zero serious injuries on the highways. The starting point is with an education system and a training system.

We have all kinds of different ideas and suggestions on how it should be, how it's going to be effective. While I think it's a step in the right direction, I know that since I was 16 or 17 years old, we've heard talk that they're going to raise the driving age to 18 or to 19 to try to avoid some of the slaughter on the highways that has been happening back since 1958, 1959, 1960, since I can remember hearing them talk about it. Nothing was ever done as far as coming in with legislation of this type to educate and train the people was concerned.

I think, and maybe you can comment on it, that speed in a lot of cases—we heard a presentation this morning saying that the police don't go near the multilane highways unless they're called for an accident. I guess there's going to have to be something done on that, either a photo radar system or something to slow down the amount of speed, that they are on that.

I don't really have a specific question. I just wanted to comment that I agree wholeheartedly with what is happening, to get the ideas and suggestions from people like yourself and from the other presenters, to be able to draft legislation that is going to achieve the target of having the surgeons and doctors in this province treat illnesses rather than having to treat victims from highway accidents. Thank you very much for coming forward again.

The Chair: Sue, we'd like to thank you for an excellent presentation. On behalf of the entire commit-

tee, I want to take the opportunity to thank you for taking the time to come down here as well and appear today. As you know, your input to this committee is an important part of the process and it'll play a valuable role in the outcome of the committee's deliberations.

1440

MICHAEL SULLIVAN

The Chair: The next scheduled witness is Michael Sullivan. Good afternoon, Mr Sullivan, and welcome. You've been allocated one half-hour for your presentation. The committee would appreciate about half of that, 15 minutes or so if possible, for questions and answers. Proceed at your leisure.

Mr Michael Sullivan: Ladies and gentlemen of the standing committee on resources development, I want to thank you for appearing in St Catharines. We don't get to see too many committees down this way, but I'm really glad to see you here.

My name is Mike Sullivan. I'm a resident of St Catharines and I'm married with two children. I presently have three drivers in my family. There's myself; I'm 48 years old, been a licensed car driver for 30-plus years and I've been a motorcycle rider for 27 years. My wife, Linda, is 47 years old and she's been a licensed car driver for 25 years. My son, Tim, has a G licence. He's almost 19 years old now and he's been a licensed car driver for two-and-a-half years. My daughter, Donna, is going to be 16 in November. One of the reasons I'm here is because of the questions my daughter asked me when she heard about the graduated licensing coming up.

I'm here as just a regular citizen. I don't represent any particular group. What I have presented here is a very simple presentation just to reflect my opinion and my family's opinion.

First of all, I'll give you some of the comments my daughter made to me when I asked her to write down some of her thoughts. Her first comment was, "All my friends are hurrying up and getting their licences now, before the graduated licensing comes in." She's 15, going to be 16 in November. In fact, the local MTO is booked up to February 1994 right now in St Catharines.

Her other comment was that the first phase is too long.

She feels, maybe not knowing the whole fact of the first and second phases, that the alcohol restriction is unfair because of the designated driver, this meaning the alcohol restriction on the accompanying person, not the driver themselves. She thought that we're trying to encourage designated drivers, and to put a restriction on the passenger would unfairly limit the driver being able to take people home from a party or whatever. This is reality with teenagers today. You have to face reality here.

She thought the second phase had too many restric-

tions for the length of time that you'd already been driving. Also, being that there are so many restrictions, if you're driving along the highway and a policeman is going to pull you over because you happen to be on a 400 highway and you have an L plate, just put yourself in the mind of that teenager. What are you likely to do? Are you going to pull over or are you going to try to outrun the policeman and keep your licence? The more restrictions you put on, the more pressure you're putting on the driver also.

Also, the requirement to have people with you, especially in the first phase, who have significant driving experience is really unfair for somebody who doesn't know anybody, or recent immigrants to this country who are not going to have somebody who has four years' driving experience. I don't know how they're going to be able to accomplish that first phase. They can when they're taking driving instruction, but when the time comes to practise after your initial instruction, they're just not going to be able to cut it legally. So again you're putting undue pressure on them and their families.

Also, my daughter thought that teens who have jobs won't be able to drive themselves to work. She's got here that they won't be able to have someone with four years' experience with them. Again, some of these comments may not seem logical to you if you know all the rules of the graduated licensing, but this is just coming from a teenager's mouth who's only read what she's read in the paper. Basically, it's just a lot of word of mouth. But this is what's going through the teens' minds today, especially the comment about everybody rushing in to get their licence now, and they're waiting till February for their test right now.

My comments are, after reading some of the information sent to me by MTO—I'll just read through my comments. I've summarized the comments at the end and I've given them to the committee.

I think the first phase is too long, especially having to have a driver accompany you. It's going to be pretty hard to keep that up for a year. I know when my own son was learning to drive, we got time to go out with him sometimes, but not all the time. For a year, that's pushing it pretty long.

I think the alcohol restriction for the accompanying driver in the first phase should be the same as for a fully licensed driver. In other words, a deemed safe level is a deemed safe level, whether it's a driver or an accompanying driver. I can't see how you can monitor two different levels. I understand the proposal was for 0.05 for the accompanying driver.

Also, staying off the 400 series highways makes sense for the first phase, but after that they probably should be phased in. But in the St Catharines area here, I don't know how you're going to stay off the QEW and the 406 and get anywhere. These are the safest links

in most cases. If I want to go from here to Fort Erie, the safest way is to get on the QEW and go there. I think statistics will prove that for the miles driven, freeways are the best way to go. It's hard to say, "Stay off it at 5 o'clock at night," or if you've driven here in the morning, you know what it's like between here and Toronto. I don't know how you can do that. But just to say a blanket exemption for 400 highways, they're supposed to be the safest highways we've got going, so especially in the local area of QEW, 406, we have a little bit of 405, I can't see how you're going to stay off them.

Also, my daughter informs me—and it's sad but true; so she says—her driver's ed classes have been cancelled at her high school. It doesn't make sense to me. I know my son learned very well through being exposed to drivers' ed through his high school, and I did too, way back in history when I was in high school. Back in the 1960s, I took drivers' ed through high school and, again, my daughter would have taken it if it was available. This doesn't make sense. It seems to be a step backward. It may be a local funding problem; I don't know. But this is a bit of a blow as far as I'm concerned.

Also, I've just got the renewal of my insurance from Co-operators. In fact, I got it yesterday. They made the same reference that the minister—I believe he made a speech to Parliament and mentioned New Zealand in the matter of graduated licensing. Unfortunately, the government didn't take the same tack when it wants to talk about insurance. They also have government-run insurance, so it seems that they don't mind following another country's example in some aspects, but maybe not in others. In other words, maybe there's a whole system here, not just one part of a system, okay? It's funny to hear Co-operators put that thing right in its newsletter.

Also, another observation, if you've driven between here and Toronto or Toronto to Huntsville, is that traffic enforcement has become very lax. I don't mean the set-up radar traps to catch speeders, because they're around. I mean in town, catching the red light runners and ignorant drivers who tailgate and cut off other vehicles. The lack of traffic policing is very noticeable on our major highways. On several weekends this summer, I have driven to Huntsville and back on the QEW and the 401-411 corridor—you know what kind of drive that is—and there is very little police presence out there, yet I constantly had to cope with erratic driving, getting cut off, whatever. Compare this to the presence on the US highways. You won't drive too far before you see a trooper on the highway, and it just keeps a lid on it.

It used to be that the American drivers were the crazy drivers. Now the Canadians are. There are just not enough police in traffic. This photo radar is one aspect but it does not catch the erratic drivers, especially in

southern Ontario, and if you look at the graduated licensing, it seems a lot of people from Toronto wrote up some of the recommendations. We just don't have enough police out on the road.

You can drive through St Catharines on the way in in the morning, which I do every day, and see motorists run red lights. They just keep driving with not a care in the world, because your chances of getting caught are pretty slim. This just fosters an attitude. It's fine to say you've got all the education in the world, but when you're sitting at a red light and Joe Blow drives through and doesn't get stopped, all in all, I just think there's not enough traffic enforcement.

Basically, in summary, I agree that a two-phase approach is reasonable. I like that approach, although I do have some problems with the phases.

I think the first phase is too long. I suggest a six-month period, which I call a beginner's phase, with a proper completion of an approved drivers' ed course, and a longer period required for the self-taught.

The requirement for a four-year licensed driver to accompany a learning driver is not realistic or possible. Any properly, fully licensed driver should be able to accompany them. In other words, if we've got this phased-in licensing, when you are at the end you should be competent enough to accompany somebody likewise.

Recent arrivals to our city will find it impossible to learn to drive, as they won't know anyone, and a driving licence is a necessity these days to be able to get and hold a job. We don't have the public transportation they have in Toronto, unfortunately. You just can't get there on the bus.

This proposal really puts our recent immigrants at a disadvantage. It's tough enough now to join society, without having another stumbling-block put in your place. In fact, as I mentioned before, with graduated licensing in, all fully qualified drivers should be able to accompany that person. In other words, it will be self-fulfilling as time goes on. Right now, you won't have people who have had the graduated licensing, but as time goes on, they will all have graduated licensing.

1450

Also, the night-time restriction, to me, doesn't make a lot of sense. I don't have the actual information here that the MTO sent me, but I know in towns such as ours, the streets at night are practically deserted. In fact, in the past it's been a good time to take my son out driving. In the winter, when do you have? You have the weekend and you have at night. That's when the kids are going to be out practising.

I think limiting access to the 400 series highways is too restrictive. I think you have to put Highway 401 near Toronto in a different class than our local 405 and 406 highways.

I believe that zero tolerance on alcohol for the driver

in the first phase is reasonable. However, the accompanying driver should be governed by the same regulations as a fully licensed driver. In other words, there can't be two levels for alcohol tolerance. It should be one or the other.

I suggest that if we're going to have an L plate for the car, it be supplied by the ministry, and possibly a magnetic stick-on sign to be affixed to the back of the vehicle above the number plate so that the person can take it from vehicle to vehicle.

In the second phase, I believe a one-year period is reasonable if full driving privileges are phased in as the year progresses. In other words, if highway access is limited, I think the limit should be eased as the person goes through the year such that access to all highways should be attained in the last two months and that driver has access to all areas open to fully licensed drivers.

I also believe that alcohol restrictions should be the same as for fully licensed drivers and there shouldn't be a requirement for the passengers or companions to adhere to a low alcohol limit. Designated drivers should be encouraged.

This is one of the things my daughter—maybe it's misinformation on what the alcohol limit has to be of the people who are with you, but a lot of the teens seem to be of the opinion that they can't be a designated driver for two years.

Also, I believe the driver should be able to start learning at this stage for his D licence, which is required for a lot of jobs these days. Maybe he should be accompanied for the first six months by a qualified driver and should be alone for the balance, with the final testing to take place at the end of the year.

My final comments, because there have been other things come down the pipe—there were the seatbelts, there were all kinds of other things, and they are all meant to be panaceas for the problem. I don't think there's any panacea to safe driving.

Funding of traffic enforcement to take the erratic drivers off our major highways should be encouraged. Funding of the local MTO testing centres will have to be increased to take care of the increased testing needed. There's an extremely long wait in St Catharines at present, let alone in the future. I say that from knowing other people who learned how to drive; they just have to wait too long to get their test. It may not be like that in Toronto, but it's like that here in St Catharines.

All testing, including motorcycle testing, should be available on a year-round basis. You may laugh at that motorcycle testing, but being a motorcycle driver, we do pay insurance and we do pay a licence fee for a whole year, but you can only get tested certain months of the year.

Also, I believe high school drivers' education classes

should be funded and should continue.

That's it in a nutshell. As I said, I just wanted to bring forth some comments. I think graduated licensing is a good idea, but the main thing is I think the first phase is too long and I think some of these restrictions have to be rethought, especially outside the main urban areas. That's it.

Mr Turnbull: I'm rather curious about the second phase. You're saying that alcohol restrictions should be the same as for a fully licensed driver. Have you seen any of the statistics which indicate, first of all, the increased incidence of fatalities and serious accidents among the 16- to 24-year-old group?

Mr Michael Sullivan: I don't know of any difference between 0.05 and 0.08, no.

Mr Turnbull: I'm not talking about that. I'm just talking about the—

Mr Michael Sullivan: That's what I'm talking about. The only reason I mentioned that is it's fine to say you can have 0.05 now and in two years you can have another beer. You should have the same level.

Mr Turnbull: For the driver in phase 1 or phase 2, the tolerance will be zero.

Mr Michael Sullivan: I believe it should not be zero in the second phase. I think it should be the same as whatever a licensed driver is. This is my own opinion. If it's deemed safe to have a regular driver with 0.08, then I can't see the difference.

Mr Turnbull: The problem is, and the statistics are overwhelming, that the new experience of driving is in itself a rather dangerous phase that we go through until we have the acquired skills. When you mix that with alcohol, that's a very, very dangerous mixture. I just wondered if you'd seen those statistics at all.

Mr Michael Sullivan: Do you really think that if the kid has one beer, he's not going to drive?

Mr Turnbull: Well, I—

Mr Michael Sullivan: This is reality. This is what this law should be.

Mr Turnbull: Quite frankly, if we are exposing not just that kid but other kids, and in fact other road users, to increased danger—and the statistics are overwhelming that we are—we should take every measure we can to ensure that we protect those people. The statistics are overwhelming. That's why I was drawn to your comment.

The whole idea is not to be a punishment to the children. What we want to do is ease them into this situation. We're not saying you can't drink and we're not saying you can't drive, but you can't mix the two together during that two-year phase.

All of the people who have lost children because of alcohol-related driving accidents, I can tell you, agree with that position and have been pushing for that

position. I'm just surprised. Look, I have to tell you, I've had an awful lot of debates with my own daughter, who just got licensed. I haven't just heard these arguments at this committee. I've had them for the last two years at home over the dinner table and I'm really surprised at your suggestion to allow children to drink as much—not children, but new drivers to drink as much.

Mr Michael Sullivan: They're not children, they're adults. At 18 years old, you could be over in Africa defending a country right now. Let's get serious.

Mr Turnbull: But that has got nothing to do with your ability to handle new situations. It isn't just children, in fact, it's new drivers, and when you mix alcohol with it, you just don't have the skills. I'm not trying to get in an argument with you. I'm just wanting to stimulate some conversation about this.

Mr Michael Sullivan: I think an alcohol tolerance level for a driver is an alcohol tolerance level for a driver. I can't see having two or three different levels for other people to try to monitor. That's the point of it. I didn't say I agreed or disagreed with drinking and driving, because I don't do it myself, but you can't have two or three different levels for different types of drivers. How are you going to monitor that?

Mr Turnbull: If they're pulled over, they will blow and they will—

Mr Michael Sullivan: What's he going to do? He's not going to get pulled over. That's what's going to happen. He's going to be gone.

Mr Turnbull: That's what we're trying to say, and there's a deterrent factor. We've got to build in deterrents. Let the kids know—and I'm saying kids, but let new drivers know—that there will be no tolerance for this.

The objective is to make your children and my children and everybody else's and all drivers safer on the road. If we have to clip their wings a little bit, I think that's one of the—it's a hard thing because I know any time that you start speaking about limiting somebody's perceived freedoms, there's always an argument that this is not fair. I'm only trying to draw out of you whether you've looked at the other side of the picture.

Mr Michael Sullivan: If it should be a lower level, it should be a lower level for all drivers. You've got to learn how to drive with what's available. That's the point, not whether it's right or wrong. I just can't see having two or three levels for drivers. A level is a level.

Mr Turnbull: The chief coroner of Ontario would not agree with you, based upon the presentation he made the other day.

Mr Michael Sullivan: Maybe.

Mr Turnbull: Thank you very much.

Ms Haeck: Thanks, Mike, for coming before us. It's

nice to see a St Catharines resident presenting.

A couple of points courtesy of the ministry: I got a letter here from one of the staff that indicates, maybe in an answer to your question about new immigrants—basically, it says that in cases where a licensed driver moves to Ontario from a jurisdiction where there is no licence exchange agreement in place, a driver with proof of at least two years' driving experience will be allowed to immediately take the advanced driving skills test of the graduated licensing system. If the candidate successfully passes this test, he or she will not have to go through the two levels of the graduated licensing system and will therefore not be subject to any of the conditions. So there are ways of expediting it for them.

I know your point about the 400 series here locally, and we've obviously heard, over the last few days that I've been with this committee, a range of concerns about restricting access to the 400 series. Basically, the ministry's point is that some of the speeds and the type of accidents that do happen, which tend more frequently to be fatal accidents, is the reason that suggestion is put forward. But I do agree that locally it's hard to get around without making better use of some of the other routes available.

1500

On your first point with regard to the first phase being too long, I'm going to ask you a question I asked another presenter. If you have a six-month period for that beginning phase, you could successfully get beyond it and move into your proposed second phase without really having encountered any winter driving, which with the slush and the changeable weather we tend to encounter down here, can lead to some pretty nasty skids. How would you respond to the weather condition question?

Mr Michael Sullivan: I would respond that just because you've got your beginner's licence or first phase for a year doesn't mean you're driving. You prepare for when you're going to take your test. If your test was in February, obviously you'd practise driving.

Ms Haeck: Would you think that really the issue would be much more not just the period of time you have that beginner's permit but, say, the number of hours you've actually acquired?

Mr Michael Sullivan: No, I think it's more that you should try to get the number of hours behind the wheel, and there's no way to regulate that at all. It's just that being a parent, it's awful hard to get the time to, "Okay, let's go for a drive," if there are restrictions on night-time, whatever, that you can't go on the 400, can't go on the QEW, can't go on the 406.

Ms Haeck: Another point I'd like to raise with you is the issue of the time restriction. I don't think it's necessarily just the fact that there may be more or less activity late at night, but particularly on weekends the

hours between 12 am and 5 am are really very busy, especially with those people leaving a bar; also, you're talking about those people who are legitimately able to drink, between 19 and 25, which is one of those areas Mr Turnbull mentioned, where you have a new drinking population as well as a new driving population, and that's not always a safe situation. To my mind, that's really what the night restriction is trying to catch. Any comments about that?

Mr Michael Sullivan: Again, maybe it's misinformation. My daughter feels it's driving at night, period. Maybe it's the information that's out there. I realize we did have the one speech and it was between 12 and 5. If it's to keep the kids off the street after the bars are closed, that would do it.

Ms Haeck: That's basically it. It's 12 at night to 5 in the morning.

Mr Michael Sullivan: You can shoot a cannon off down St Paul Street, most of our streets.

Ms Haeck: No kidding; 6 o'clock actually works well sometimes.

Mr Michael Sullivan: I guess I can't relate, living in St Catharines. It's not Yonge Street downtown.

Ms Haeck: The other question you raised in my mind in your phase 2 is the blood alcohol level. I believe what is trying to be addressed here is that if in fact the accompanying driver is not in a position to adequately take over from the novice, then you run into the problem. You're in that situation that the person who is there as the accompanying driver should be in good enough shape to take over from the novice in a difficult situation. Any comments?

Mr Michael Sullivan: As I said, whichever level is safer driving, that would suffice. That person could be driving with a blood alcohol level of something, as the law stands right now. Notwithstanding anybody's feeling, there is a judged level.

Ms Haeck: Would you agree that you want to make sure you set out conditions so that everybody realizes that's not acceptable; that you want to make sure people realize they have the responsibility of being the designated driver if they accompany; that it's not just that they're there to shoot the breeze with whomever they're driving with but are responsible for that novice as well as making sure that everybody gets home safely; that they basically become the designated driver and that they have that obligation?

Mr Michael Sullivan: If it was a group of teenagers out, I would say that maybe the accompanying driver may not be aware of that. If it was myself out with my daughter or son, I would be aware of it because I'd be with them. Somebody just hopping behind the wheel of a car may not know whether the person next to them has had any alcohol, number one; also, the person who's accompanying may not have made it aware to the driver

that they are their accompanier. I don't know how I can say that any clearer.

If you get six kids out and one's not drinking and he's got the beginner's licence for the first phase, and he hops behind the wheel and there's another licensed driver beside him, I don't know who's responsible, whether it's that one or the other four. Right now it's the one beside you in the front seat of the car. That's the one designated right now.

Mr Daigeler: Thank you for bringing the St Catharines perspective to the committee. I should say, though, that the way I understand the rationale from the ministry, and I find it quite convincing, is that the restriction for the curfew and even for the 400 series is not so much related to the safety of the roads—obviously, there's no argument that there are fewer cars on the road between midnight and the morning—but to the proven behaviour of novice drivers and in particular the younger people.

There seems to be something after midnight where kids in particular are prepared to take more risks. In fact, this morning we had the police officer here who was referring to a terrible accident in Burlington, where the accident happened way away from traffic and it was strictly related to unacceptable risk-taking by the individual.

Really, I think that's why they want to put in the curfew, because kids are seemingly willing to take more risks between 12 and 5; and also on the 400, because with any risk you take there, where the speed is much higher, the margin of error is so much reduced. That's their reasoning, why they're saying we have to reduce it on the 401 even though it's recognized that there are fewer accidents. Their argument is that if there are accidents, usually they're very serious accidents. I was just wondering whether you'd want to comment on that.

Mr Michael Sullivan: I'm not up on statistics, but what are the statistics of how many accidents young people have on the major highways? I'm not talking about the side roads, the kids who drive into a tree or whatever.

Mr Daigeler: Apparently there too the younger drivers are involved. There are fewer accidents, but there too the younger drivers are overrepresented, especially—and this is the biggest problem—in severe accidents with fatalities and serious injuries.

There's another point I was going to ask you. You mentioned your daughter who is going on 16, and the fact there won't be any driver training through the schools, that you regretted that. In fact, you are right. This is because of funding cuts by the ministry, so this isn't just in this area but in the whole province. My question is, would your daughter nevertheless take driving school?

Mr Michael Sullivan: Oh, yes.

Mr Daigeler: She will. You seemed to indicate that perhaps she wouldn't now because it's not available through the schools.

Mr Michael Sullivan: I would get her to take drivers' ed. I took drivers' ed myself. I wouldn't attempt it and give somebody my bad habits.

Mr Daigeler: I'm glad to hear that, because this was a major point that was made by many presenters.

Mr Michael Sullivan: It's still 500 bucks on top of everything else, though; it adds up. I think it's about \$500 to \$600 for the Young Drivers course.

Mr Conway: Mr Sullivan, a 48-year-old male from St Catharines; I only know one other in that category. His name is Bradley, and you're a lot more sensible than he is.

Mr Daigeler: That's a partisan shot.

Ms Haeck: No comment.

Mr Conway: We should have Bradley here talking about driving, too, shouldn't we?

1510

I want to argue with you. I think you make a lot of very good points here from a parental and a practical point of view. I think your caution to the committee is extremely timely on those accounts. I'm glad Christel clarified that point about the night curfew, because that curfew is only from midnight till 5 and that certainly, to me, does not seem unreasonable.

I want to fight you a little bit, though, on this differential argument about 0.05 and 0.08. Surely everyone who's looked at this will tell you that there is an incredibly dangerous chemistry when you get young people and alcohol and cars and that it has been that way since the internal combustion engine was developed, however many years ago. That is a very real problem. The coroner and everybody else who's come to this committee have given us chapter and verse of that problem and I think it is accepted by everyone.

The argument that the government is trying to advance, and I think reasonably—in fact, I would probably want to be tougher—about the accompanying driver having a blood alcohol level of 0.05 is not so much that there be a differential on health grounds and whatever, but surely that the parent, the older person, has an obligation by example to show these kids that when you drive, you shouldn't drink, that it's that mentoring and that example we really want to reinforce. Don't you think that's a reasonably good argument?

Mr Michael Sullivan: I don't know how old you are, but for our generation alcohol was a release, but today it's not; drugs are the release. There's no pressure on my kids to drink at high school; the pressure is to do drugs. I think that is unsaid in a lot of legislation. I don't see me having to talk to my kids about not drinking, but you see me talking to them about drugs. The realistic pressure on my kids is not at all to have a

beer or two beers and drive; it's the reverse.

Mr Conway: I accept that, but when I look at the coroner's data and the doctor from the institute, Dr Herbert Simpson, one of these path-finding researchers in this area, both of those distinguished researchers and medical practitioners have come to us and said, "Listen, when we look at the serious injury and fatalities situation, it's not drugs that are showing up as the principal villain; it's booze." That's certainly true in my part of the world, which is rural eastern Ontario.

When I look at some of those data, I would be prepared to consider something like this: to say that the blood alcohol level should be like 0.01 for anybody between the ages of 16 and 23, in light of the fact that there seems to be incontrovertible evidence that young people, cars and booze are an incredibly dangerous mix.

Mike Sullivan at 48? No. Something happens along the way. You get married, you have kids, you get a job and you just become more careful, more conscious of risk management, as the previous witness was saying. But when you look at the data about young people between the ages of 16 and 25, boy, not forgetting your own anecdotal experience, you just say booze is a problem, night driving is also a problem and the combination is particularly deadly.

I guess I simply come back to the original point that I can't challenge your argument on medical grounds, although maybe I could, but it's the mentoring, it's the example. We're trying to tell young people that you shouldn't drink and drive. A lot of people have come to the committee and said, "Why would you not try, then, to have a blood alcohol standard at 0.05?" Some people have said 0.000, which I think is probably unachievable.

Mr Michael Sullivan: As I said, I think a perceived tolerable limit which is legislated should be the same. I can't see having different levels. If it should be lower, it should be lower for everybody. It's up to the powers that be to legislate that. But to have two or three different levels I think is sending wrong signals.

The Chair: Mr Sullivan, on behalf of the entire committee, we'd like to thank you for taking the time to be here this afternoon. We trust that you'll stay in touch with the committee as we go through the process of graduated licensing in the province of Ontario. Your input has been valuable and is important to the committee. We thank you for coming today and sharing it with us.

Ms Haeck: Just quickly, in just a quick coffee conversation at the back, one of the ministry staff was indicating that maybe there's a point of clarification that he can give Mr Sullivan with regard to at least the blood alcohol level.

The Chair: We are in the process of going to do that.

Ms Haeck: Oh, okay, just jumping right in there.

The Chair: We fell behind another 10 seconds.

Mr Levine, on a point of clarification for Mr Turnbull and perhaps another one for Mr Sullivan and Ms Haeck.

Mr Levine: With respect to the differential in the levels, the level that we have proposed for the accompanying driver is in fact the level that is in legislation today in the province of Ontario for fully licensed drivers: 0.08 is the federal limitation for a drinking-driving conviction. In Ontario, we also have a limit of 0.05, which is the point at which a police officer can suspend a driver's licence at the roadside for 12 hours.

That is why we could have chosen either of those. But given the fact that we were trying to impose a condition that would allow the accompanying driver to take over care and control of the vehicle, we came to the conclusion that we couldn't put it any higher than 0.05 because that's the level at which a police officer could remove that person from the road. So in fact we have attempted to maintain the level there but still wanted to introduce the zero tolerance for the novice driver and perhaps start that as the thin edge of the wedge to get a full zero tolerance for drinking and driving.

Hopefully, it will infiltrate the entire system and in the future perhaps we can impose a zero tolerance for all drivers.

Mr Conway: Let's just forget everything about the new proposal. Just take the proposal off the table entirely and just look at the current situation. I'm out with young Hans Daigeler and he's learning how to drive and I'm the accompanying driver under the existing arrangement—

Mr Daigeler: Wish I were.

Mr Conway: —because you've got that period of your 365 or whatever. If I am at 0.06, you can then—

Mr Levine: You are now the accompanying—

Mr Conway: That's right; I'm the accompanying driver.

Mr Levine: Okay, the police—there is no recourse against you.

Mr Conway: Right. So in this new model, we are imposing a new sanction on the accompanying driver.

Mr Levine: We are imposing—the condition is actually being imposed on the novice driver to ensure that he or she is accompanied by someone who has a limit of no more than 0.05.

Mr Daigeler: I have to pay for him again.

Mr Conway: No, but it's—

Mr Turnbull: Is there any penalty on the accompanying driver if he or she is over?

Mr Levine: We have not introduced any penalty for the accompanying driver, and there is a due diligence defence in place for the novice driver.

Mr Conway: I just want to be clear then. In the existing arrangement, where you have to have an accompanying driver, and you do while you've got that 365, as long as that accompanying driver has a valid driver's licence and isn't going to blow 0.08, there's no problem, right?

Mr Levine: There's nothing to say that he has to blow—

Mr Conway: No, no, he doesn't have to; he's the accompanying—right.

Mr Levine: You may recall the testing device for an accompanying driver today is a mirror.

Mr Conway: Yes, that's right, sorry. I'm forgetting that you're not driving; you're the accompanying driver. Good.

Mr Turnbull: There's no penalty for the accompanying driver so long as he or she is below 0.08.

Mr Levine: There is no penalty for the accompanying driver.

Mr Turnbull: There's no penalty, in actual fact, as the legislation is written, for the driver if he or she has somebody who blows over 0.05.

Mr Levine: Yes. That would be a violation of the condition of holding the licence for the novice driver.

Mr Turnbull: What is the penalty?

Mr Levine: A 30-day suspension. As I mentioned, there is a due diligence defence and that is to encourage the novice driver to take whatever measures are necessary to ascertain that the accompanying driver is in fact qualified. Ask the questions: "Have you been licensed for four years? Do you have the four years of experience that I require of an accompanying driver? Have you been drinking? I need you to be sober if you're going to be an accompanying driver."

Ms Haeck: So it's not an issue of getting in a car with a stranger as accompanying driver. You have to go through a lot of—

Mr Levine: You have to ask the questions and hope that the person comes up with the right answers. As I said, the due diligence defence allows the driver in court to say, "Well, I asked him and he told me, and if he lied to me—I took whatever measures I possibly could."

Mr Conway: Under that new system, that is under the new level 1 that's proposed in the government submission, if I'm the novice driver and I have an accompanying driver who is in violation of some of the conditions, then the sanctions presumably will attach to the novice driver.

Mr Levine: That's correct, because we have not tried to build the system to the accompaniment, which isn't really a driving function.

Mr Conway: So if I take out somebody who's just completely hammered as my accompanying driver, then I'm going to—

The Chair: Bingo.

Mr Paul Klopp (Huron): I think I've got it straight. I guess the myths out there in Huron county—I almost hate to go back to my colleagues; I might win some bets. We were always under the assumption, us characters, that the driver beside you had to be reasonably sober, but that's not the case under the law. A police officer could pull me over and I can't even walk, but that's okay.

Mr Levine: As I say, as long as he can fog up a mirror.

Mr Klopp: You don't know some of my friends. I don't know if they could do that sometimes. We never did that because we were always under the assumption that was the—

Mr Daigeler: That's why you shouldn't go to these meetings.

The Chair: Mr Levine, there was an earlier point of clarification that Mr Turnbull had raised as well.

Mr Turnbull: It was raised by Sue MacNeil, the fact that she was involved in looking at a set of tests for crash susceptibility or dangerous driving susceptibility. She said nobody from the Ontario government was involved in that. Are you aware of this issue?

Mr Levine: I'm hopeful there will be someone present to address the committee tomorrow to advance the criteria they have established on the advanced level test that's being developed now as the exit test from level 2. I believe it was Mr Sharpe from the Ontario Safety League who gave some indication of what was happening with the development of that test and the

search virtually throughout the world for the levels of tests that do now exist, and what we could adapt to the Ontario situation based on what's out there today.

Mr Turnbull: But did I understand correctly that there was no contribution being made by the Ontario government towards this worldwide study for this test?

Mr Levine: I am not aware of—

Mr Turnbull: An assessment. When I use the word "test," I'm talking about an assessment of crash susceptibility and dangerous driving susceptibility.

Mr Levine: I'm not aware of that study at all myself, but I'm not the expert in that area either.

Mr Turnbull: Perhaps we could just maybe ask the parliamentary assistant to see if we could possibly get some dialogue going between your ministry and Sue MacNeil to investigate whether the government should have some participation in that.

The Chair: I think you just did.

Mr Dadamo: Noted.

Mr Conway: If you need a good go-between, I think Mr Turnbull will volunteer.

The Chair: Thank you very much, Mr Levine. I'd like to thank the community of St Catharines for its hospitality while we've been here today. I'd also like to take the opportunity to thank all the witnesses who've appeared before the committee from St Catharines and surrounding area.

The committee will now stand adjourned until 10 tomorrow morning in Toronto.

The committee adjourned at 1525.

CONTENTS

Wednesday 15 September 1993

Graduated licensing	R-425
Ashton and Tilford Insurance Brokers Ltd	R-427
Craig Tilford, insurance broker	
Ontario Association of Chiefs of Police	R-431
Henry Harley, chair, traffic committee	
Victims of No. 1 Side Road, Burlington	R-436
Kim Duncan, investigator, fatal motor vehicle accidents, Halton Regional Police Service	
Sue MacNeil	R-441
Michael Sullivan	R-447

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Dadamo, George (Windsor-Sandwich ND) for Mr Waters
 Daigeler, Hans (Nepean L) for Mrs Fawcett
 Haeck, Christel (St Catharines-Brock ND) for Ms Murdock
 Jackson, Cameron (Burlington South/-Sud PC) for Mr Jordan
 Lessard, Wayne (Windsor-Walkerville ND) for Mr Cooper

Also taking part / Autres participants et participantes:

Ministry of Transportation:

 Dadamo, George, parliamentary assistant to the minister
 Levine, Paul, head, policy and program development, road user safety office

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: McNaught, Andrew, research officer, Legislative Research Service

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R-19

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Thursday 16 September 1993

Journal des débats (Hansard)

Jeudi 16 septembre 1993



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R-455

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday 16 September 1993

The committee met at 1006 in the St Clair Room, Macdonald Block, Toronto.

GRADUATED LICENSING

The Vice-Chair (Mr Mike Cooper): I'd like to call this committee to order. We'll continue with our proceedings on studying the Ministry of Transportation's graduated licensing.

DRIVING SCHOOL ASSOCIATION OF ONTARIO INC

The Vice-Chair: I'd like to call forward our first presenter, from the Driving School Association of Ontario. Will you please come forward. Good morning. I would just remind you that you're allowed up to a half-hour for your presentation. The committee would appreciate it if you'd keep some time for questions and comments from each of the caucuses. As soon as you're comfortable in your seat, could you please identify yourself for the record and then proceed.

Mr John Svensson: My name is John Svensson. I'm president of the Driving School Association of Ontario. I have brought a few overheads. I think people are in close enough proximity.

The Vice-Chair: We must apologize. We didn't—

Mr Svensson: That's okay. I can hold them up for you.

Ladies and gentlemen, I'd like to thank you for the opportunity to present our views to the standing committee and to congratulate the government on both the process and development of the Ontario model for graduated licensing.

By now, many of the proposals and supporting arguments are no doubt beginning to sound familiar. However, we'd like to first echo the sentiments of many others, and that is that the process of implementation not be unduly delayed. The toll is already too high. We fully expect the model to evolve as the data begin to flow in for analysis, and the very fact that there's a commitment to evaluate the results is cause for celebration. We view the graduated licensing system as one of many promising strategies which collectively have the potential to significantly reduce road trauma, one which may finally restore a sense of value, pride and accomplishment in holding a licence to drive.

Just by way of a brief background on the Driving School Association of Ontario, just a brief description of who we are, I've attached on the final page of our report a brief for your perusal at your leisure.

Our organizational objectives are succinct: to reduce the number of fatalities and the incidence and severity of injuries resulting from road trauma in Ontario; to

design an effective road safety education system in cooperation with government, research and corporate sectors; and to deliver this road safety education system professionally through members of the road safety education profession.

We believe that education is a process and not a product. Our members are community-based, and they're becoming even more community-involved. There is a growing awareness of the importance of looking at the needs of the community as well as the individual and of taking all road users into account in the process.

Although policy issues are touched upon in this presentation, our primary concern is one of legislation.

The DSAO fully supports the Ministry of Transportation's objective to make Ontario's roads the safest in North America. The objectives of graduated licensing are well understood. However, we believe that in order to maximize the benefits of graduated licensing, several key issues must be given higher priority and definition. Paramount among these issues are experience and incentives.

Among the overheads, and I can just read these off, in terms of a survey of why people take professional instruction, we find: wanting to learn to drive safely; insurance discounts; mobility; parental influence and convenience; employment opportunities; status with peers; and to pass the provincial driver's test. Of these, employment opportunities, mobility and safety are the key issues that we feel graduated licensing directly addresses.

Many presentations have already pointed out the lack of restrictions in level 2 and the inherent problems this creates. We concur with this opinion and further argue that care must be taken not to forgo justifiable restrictions simply to appease the mobility issue. To avoid trapping people the system is not designed to catch, prudent use of incentives and experience criteria could provide a variety of paths to the same goal. These will allow for the recognition of genuine competency and provide for both the incentives and opportunities to gain the appropriate experience. We have confidence that the appropriate screening tools will be found to justify the incentives. The days have long passed when one keeps the whole class after school because a few students misbehave.

Among the recommendations in level 1 is to encourage education at the inception; that is, when they get their L permit or licence, by allowing early road tests to be booked only after successful completion of a driver education course, and to make the credits six months.

In surveys we've done with classes and groups around the province, we have found that eight months is perceived as a long time and not much different than 12 months and six months is perceived as a very attractive incentive.

Also, the concept of implementing a logbook: This prevents delay of the course to a time closer to the road test and helps to ensure that more practice and, more importantly, more appropriate practice occurs.

We've already had a lot of experience in this province with delays in road tests that run to eight months in some sections of the province, and students have characteristically delayed their training programs to be closer to their road test time so that they'd be prepared and things would be fresh in their minds, rather than taking their training early and getting the experience prior to testing.

On level 2, we'd certainly encourage education at the exit point, providing again a six-month credit and a comprehensive exit test as a logical conclusion to the program, provided that the driver has a minimum of 2,000 hours of driving experience in his or her logbook. British Columbia has already pioneered this as the precedent whereby in BC either a spouse or a parent or guardian signs an affidavit that the individual has had 35 hours of on-road experience under varying conditions. This ensures again that the experience issue is not optional, and it also strongly encourages a positive last impression. That, by the way, is one of the reasons we chose today to present.

Among violators, during the time of the graduated licensing system, we're suggesting that violators be provided with a choice: A 90-day extension of time in the particular level or a meaningful educational intervention through a driver improvement course, but based upon diagnostic assessment and prescriptive treatment; that is, meet the needs of the individual. Yes, we are following the medical model, and we feel that road safety is a health issue. This would encompass both the four-and-one-half-hour practical and eight-hour theoretical component. Research from that program is available from Germany.

Finally, we recommend a pre-entry probation to provide for a pre-entry incentive of an 18-month, conviction-free prerequisite, similar to requirements to obtain a weapons permit.

We don't want to see people locked in the system for ever. Again, it might be difficult to appreciate this humour. We do get students from time to time, but the idea is to encourage experience; this is a little celebration at the driving school, a little something to celebrate your 500th lesson. It's become a fixture in the school.

Additional proposals are enumerated below but are not argued again because they've already been presented previously by other presenters.

Flexibility at the policy level to accommodate special needs is essential.

Optional use of a learner ID sign: Within the association we don't feel strongly that it should be a mandatory requirement. However, there is the comfort level for some people, particularly with parents or family, to use this.

We also recommend zero BAC for the driver and accompanying driver in both phases, no 400 restrictions, and no front seat passengers when the accompanying driver is present who may interfere with the care and control of the vehicle that the accompanying driver is responsible for.

There's another concept again that's been elaborated on by the Road Safety Educators' Association. I believe those slides have already been presented. That is the concept of having a novice peer. We certainly support that concept and the commensurate changes or alterations that would make to the system. It does solve a lot of issues for rural Ontario. We have members everywhere from Smiths Falls to Niagara Falls and from Cornwall to Kenora. We cover the province in a wide geographic area and wide set of circumstances, and we certainly feel the novice peer is a method that is easy to interpret and relatively easy to implement, and it works; it can be effective.

In conclusion, we, the Driving School Association of Ontario, together with the road safety educators in Ontario, are depending on you, our legislators, to bring graduated licensing forward, to provide a sound legislative framework and to trust in the ability of all stakeholders to integrate the issues within that framework for the benefit of all road users.

The success of the system will not be measured solely in the anticipated reduction of fatalities and the frequency and severity of injuries, but also in its ability to meet the needs of the individual and the community. It's an accountability, we feel, whose time has come.

Mr Hans Daigeler (Nepean): Thank you for putting your views forward. We've had quite a few representatives of the driving school system in the province come before the committee and it is much appreciated, since obviously you are intimately involved in trying to pass on the proper attitudes and the proper skills.

Here I mentioned already the one word I want to ask my first question on, attitudes. How are the members of your association involved in training attitudes, because this was identified as a major concern, mind you, perhaps the most difficult educational challenge. Could you explain a little bit to us how the members of your association are trying to work on that attitude problem?

Mr Svensson: Attitude is something that one gets at more indirectly, rather than trying to—if we think back, I think for any of us, when we were learning to drive and the experience that was involved with that, I think

the most common approach to teaching attitude is to tie it in to other aspects of driver behaviour and road behaviour: through example; through an understanding of the implications of one's actions; how one's activities as a driver interact with other road users in the community you live in and what the impact of those actions may be.

As I mentioned at the very beginning of the brief here, we feel it's necessary to have a restoration of some respect and pride in the privilege of driving. It's for too long been something that's been very easy to acquire and has lost a bit of its value. That alone, if someone feels they met a standard, that they've met a challenge and accomplished some more comprehensive objectives, shall we say, I think translates into an attitude into the value they place on the privilege of driving.

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Mr Daigeler: Is this part at all, in a formal way, of the classroom teaching? I didn't take the driving lessons here, so I don't know; my kids did, but they didn't tell me about it. Is there any formal time reserved to try and get at this mental framework question in a theoretical sense?

Mr Svensson: Yes. It is part and there are 25 hours of theory incorporated into the program. Maybe, again, how attitude is exemplified is in a person's ability to perceive risk, to recognize risk, to manage risk, to make low-risk choices. That's reflective of an attitude that acknowledges risk is present. We're not talking just of drivers in this case; we're talking about passengers and other vehicles and making choices as to whether one wants to ride with another driver.

The attitude is manifested more in terms of one's behaviour and that's done by example and dealt with in consequences and situations that are discussed. The whole system is moving now towards an interactive system where the student is much more involved in the decision-making process, not just for the driving manoeuvres, but for other decisions that relate to one's behaviour in traffic.

Mr Daigeler: What kind of authority does your association have over its members? Is it just a voluntary association? Do you come together for an exchange, which is useful in itself, or do you have any kind of—like the function of a college type of thing?

Mr Svensson: We're evolving. The Driving School Association of Ontario has just over 300 member schools across the province that voluntarily subscribe to belong to an approved school system. In so doing they agree to meet a code of ethics, specifications, terms and conditions of business; in other words, to adhere to standards. If they fail to adhere to those standards, then their approval could be suspended until they come back into—

Mr Daigeler: Has that ever happened?

Mr Svensson: Yes. It has happened on several occasions. The primary role of the association is one of education, though. Because there is so much at stake, by far the majority of members are trying to exceed the standards rather than just get by.

Mr David Turnbull (York Mills): I take it from your brief that you're not in favour of mandatory driver's education?

Mr Svensson: Yes, that's correct. I'm sorry; I might have skipped, come to think of it. Thank you for drawing that to my attention. Mandatory training, we feel, actually provides a disincentive because there's no option. Where it's been put into practice, what's happened in the industry is that people shop on price. Because they have to take the training, they shop on price and it causes a collapsing in to minimum standard.

Mr Turnbull: Turning to standards, is it your impression that we need to work on improving standards in driver education?

Mr Svensson: Absolutely. That is a priority with the association and with the Road Safety Educators' Association, both in terms of training the individuals who work in this field as well as the programs we deliver.

Mr Turnbull: In what main areas would you advocate an improvement of education skills?

Mr Svensson: I think moving away from minimum standards and dealing with what we term loosely "the medical model," which deals with assessing what the individual's needs are, not just as a driver but in terms of the individual as a citizen.

Mr Turnbull: Are you differentiating then between performance skills and identifying crash potential?

Mr Svensson: Absolutely. We're looking to the research community as well to identify more the safety quotients, rather than just the psychomotor skills. As I say, we're relying on the research community to help us in identifying those issues, without getting into too many specifics here, moving towards what we'd term "intended learning outcomes," which aren't always directly measurable, as are the typical criteria used right now.

Mr Turnbull: Since you're from the driver's school association—this is slightly off the graduated licence—what is your impression of the present arrangement with the ministry for booking tests for people? We hear stories of incredible waits to get tests. What is the impact upon students? You alluded slightly to this in terms that after they book the tests, people will arrange their driver's education clustered around that, rather than spreading out their experience.

Mr Svensson: Long wait times are a disincentive. People feel they're in the penalty box and they have to wait it out.

Mr Turnbull: It seems to me that one of the potential solutions, if this is a financial problem of getting more resources, is that perhaps we've got to raise the cost of testing so that it is completely self-supporting and add the extra staff that are needed to give testing on a timely basis.

Mr Svensson: Yes, that's always been a mystery to us, that the ministry is probably one of the few revenue-generators in government and how previously it could charge \$15 for a test that costs \$37 to administer. Certainly, in our experience and from our viewpoint out there on the road with the general public on a regular basis, people perceive value when there is a dollar figure attached to it. In other jurisdictions where there have been significant increases in costs to at least meet the cost of delivering the service, there's no evidence that it has resulted in disadvantaging segments of the population.

Mr Turnbull: In fact, in Ontario the pressure has been to reduce the duration of the test. I'm told that in some places you have a 10- to 15-minute test. I'm hard pressed to believe you can possibly assess driving skills in that period of time.

Mr Svensson: I think you're correct in that assumption. The tools we're using now we don't believe are adequate for today's demands on drivers. To the Ministry of Transportation's credit, it has been investigating this for some time now, partially in terms of development of the exit test, but it's hard to conceive of any examiner who has been trained to evaluate people to a higher or more comprehensive level to then want to go back and do people to a lower level. We're hopeful that the outcome of the investigation and the various means of driver assessment and so on will have implications in making the test more comprehensive.

Mr Turnbull: What about this practice in certain locations of having a dedicated test track as opposed to taking the people out on the roads?

Mr Svensson: There hasn't been any solid research that would indicate one system is more predictive than another. There are arguments on both sides and nothing scientific to support things one way or the other. What we are looking for, clearly, are predictive measures which have some correlation to future crash involvement.

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Mr Turnbull: At the time of a test, both at level 1, as it's going to be, and the future level 2, do you think there should be an in-class component of that test, part of this predictive basis of the test?

Mr Svensson: When you say in class, what I would think again, just from the current state of—

Mr Turnbull: Written test.

Mr Svensson: Something that has a perception, judgement, decision-making which could be done on an

inside type of test. There is a lot of work being done on that area now to find correlations between the scores on those types of test and outside scores in real traffic.

Mr Turnbull: Is there anywhere in the world we should be looking at for good models that we should emulate?

Mr Svensson: The state of Victoria in Australia has got some interesting data on hazard perception, judgement, decision-making tasks, and there is also some preliminary data now coming out of Europe although it's not as far along.

Mr Gary Wilson (Kingston and The Islands): Thanks, Mr Svensson, for your interesting presentation. It's quite thought-provoking. I have a number of questions but I realize time is limited so I'll ask some specific ones, but I'm just interested in what might be a more general one.

On page 2, you mentioned: "There is a growing awareness of the importance of looking at the needs of the community as well as the individual and of taking all road users into account." I'm just wondering what you had in mind when you wrote that.

Mr Svensson: In the sense that members are looking at more than just a population of educating the drivers, for a lot of our member schools the primary target population is new drivers and that's primarily young people, not exclusively any more with the changing demographics. It's, again, very much like the medical model, that a physician would not necessarily be doing a service to his patients if he looked at his patient in isolation from his environment, any more than someone who is teaching someone to drive and whose behaviour in that community can have a very serious impact on members of that community, that that person should be taken in isolation. So when I say community involvement, I mean getting involved with safety villages, having discussions with cycling and pedestrian groups, school crossing guards—

Mr Gary Wilson: Does that happen now, by the way?

Mr Svensson: Oh, yes. It does happen in pockets, and some of our members are far more active than others setting up designated driver programs for special events.

Mr Gary Wilson: The standards that you have for your member schools, though, don't include, or do they include?

Mr Svensson: No. We're encouraging that type of behaviour. I think those that have become involved in that are finding that not only is it good for the community, but it also integrates the business into the community as well. It's good for business.

Mr Gary Wilson: Sure, and there's also that interest of other road users. We've had submissions by cyclists who emphasize the importance of alerting new drivers

to the concerns of cyclists.

I just want to touch again on that mandatory aspect because, when you talk about the growing awareness and the importance, I was wondering whether with the complexity of driving as well as the importance of safe driving, both with regard to the individual's concerns but also society's, you wouldn't see the need for a more organized, I guess, approach to driver instruction.

Mr Svensson: If the testing process is comprehensive and does its job, if it's a good screen, a good predictor and an individual can meet the standards, demonstrate the competency, I think it would be inappropriate and actually a disincentive to require that individual to go through a program that was designed to instill those values they had acquired by other means. There are many ways to reach the same end result. For those people who have difficulty acquiring these skills and knowledge and intended learning outcomes, they are going to take training in order to meet the standard. That's the case in England, where over 90% of drivers seek formal training because they perceive the testing standard to be comprehensive.

Mr Gary Wilson: I'd like to talk to the additional proposals that you have. You say no 400 restrictions. Why did you make that as a recommendation?

Mr Svensson: Well, we have not as yet seen any evidence that learners or accompanied drivers are necessarily at higher risk, nor do they put other road users at higher risk, on 400 series highways. Those roads are safer. Statistically, by any measure you want to look at, they're a safer route. It's hard to imagine, for instance, someone driving from London to Sarnia taking the old highway as being a safer way to get to Sarnia from London than the expressway.

Mr Gary Wilson: From your education, would you say that by highlighting the 400 series as being hazardous in this way, it might actually be a problem with learning to drive, that this would always be seen to be especially hazardous?

Mr Svensson: Perhaps, although that's more the personality of the driver. Most drivers do not have a lot of difficulty adapting to it. But again, we would certainly encourage—and again, if the training happens early on in the process, highway-freeway driving is an integral part of the driver education process. So at least they're introduced to it in a proper manner so that they understand how to use that roadway in the safest, lowest risk possible way.

The Vice-Chair: Mr Svensson, on behalf of this committee I'd like to thank you for taking the time out this morning and giving us your presentation.

CENTRAL DRIVING SCHOOL

The Vice-Chair: I'd like to call forward our next presenter, from the Central Driving School. Good morning. Once again, just a reminder that you'll be

allowed up to a half-hour for your presentation. The committee would appreciate it if you'd leave a little time for questions and comments from each of the caucuses. As soon as you're comfortable, could you please identify yourself for the record and then proceed.

Mr Dave McManus: My name is Dave McManus and I'm here representing Central Driving School in Toronto.

We're all horrified at the prospect of our young people dying in fiery crashes. As individuals, we feel sickened and powerless in the face of the enormous waste of human potential. As a society, we call for and embrace legislative intervention such as graduated licensing in the hope of arriving at a solution to a long-standing problem. At Central Driving School, we value the opportunity to be involved in this process. Our observations and recommendations are based upon over a decade of experience in the field of driver training.

The government of Ontario should be lauded for presenting what is quite literally the opportunity of a lifetime. Over the years, considerable effort has gone into improving the safety of vehicles and roadways, but this is the first instance during my own lifetime in which such an all-encompassing investigation has been undertaken focusing on the people who use the road system. Undoubtedly, other provincial governments are looking to follow Ontario's lead, and the final design of Ontario's model for licensing reform ultimately holds the potential to help reduce crash-related death and injury nationwide.

I would like, however, to interject a note of caution. Proponents of graduated licensing postulate that the strength inherent to the scheme lies in the fact that new drivers will be given the opportunity to gain much-needed experience under conditions of controlled risk. Some have even stated outright that experience is the best teacher, drawing parallels with on-the-job training, for example, which, unlike the graduated licensing proposals, usually includes a regimen of ongoing instruction.

Is experience the best teacher? There is no arguing that gaining experience in any endeavour is an important element in achieving competence. However, unlike learning to play the piano, where the most negative consequence of error is a sour note, the consequences of error behind the wheel make the costs of learning a life skill like driving through experience prohibitive.

Drivers who adopt behaviour which multiplies their chances of death or injury have no real way of knowing this until they experience the negative consequences of such behaviour. The many crashes which we see and hear of daily are almost always happening to other drivers. When an individual is involved in a crash, he or she usually views it as an isolated event beyond the realm of normal human control, rather than the natural consequence of average driver behaviour.

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In fact, it is precisely the notion that through experience new drivers can somehow automatically grow to become safe drivers which has led us to this re-examination of how best to go about introducing new drivers into the community of road users.

I'll begin with a couple of comments on the level 1 proposals.

One restriction of the proposed model denies level 1 drivers access to the QEW and 400 series freeways and urban expressways. While conventional wisdom holds that these roadways are especially hazardous due to higher speeds, in fact, because of their design, when properly used they are among the safest of roadways. In 1991, sections of the QEW and 400 series highways situated within Metro Toronto experienced a fatal crash rate of 0.12 per 10,000 registered vehicles. By comparison, the provincial highways in the Peterborough area, which would not be off limits to level 1 drivers, experienced a fatal crash rate of 1.49 per 10,000 registered vehicles.

There are responsible driver training programs which include freeway driving. Under the proposed system, it would not be possible for level 1 drivers to receive such training. We therefore recommend that learners be allowed to experience freeway and expressway driving when accompanied by a qualified, licensed instructor.

In the proposed model, a learner must be accompanied by a fully licensed driver whose measurable blood alcohol concentration is less than 0.05%. The co-driver who agrees to take a new driver out to practise assumes an onerous responsibility. That co-driver is, in effect, encouraging the learner to engage in the most hazardous activity he or she is ever likely to undertake. Is it not reasonable to expect that the co-driver maintain a BAC of 0%? Moreover, how can individuals be expected to judge what their BAC might be? The only time anyone really knows for sure is when it's zero.

Therefore, we recommend that licensed drivers who accompany learners be restricted to a BAC of 0%. We further recommend that a violation of this condition be a pointable offence under the Highway Traffic Act.

In regard to level 2 proposals, in practical terms there are minimal restrictions at this level. Maintenance of a zero BAC is a sensible approach to driving, and the fact that in 1991 less than 4% of crashes in Ontario involved drivers who had consumed any amount of alcohol suggests that the vast majority of drivers see the sense in this approach.

The restriction limiting the number of passengers by the number of seatbelts will help to avoid the type of situation in which the whole ball team is loaded into the back of a van with a new driver behind the wheel, thus mitigating the effects of peer pressure in certain instances.

Given the minimal nature of these restrictions, however, there doesn't appear to be any real incentive to exit level 2. Less than 13% of Ontario drivers hold anything other than a class G licence. I see no reason why most level 2 drivers wouldn't be content to spend the rest of their driving careers at that stage, particularly if this would enable them to avoid a second, more comprehensive road test.

Currently in Toronto, the average road test lasts less than 15 minutes. Most new drivers are trained only to road test standard, which means that applicants simply have to demonstrate the ability to adhere to the letter of the law for those few minutes. When over 45% of drivers involved in crashes are deemed to have been driving properly, there's clearly a lot more to road safety than obeying road signs.

The proposed level 1 exit test is described as being similar to the current test. Our concern is the danger in endorsing a scheme which would allow new drivers to exit level 1 after passing a road test which is far too short to allow for a thorough assessment of one's true abilities behind the wheel, and then giving them access to any roadway in the province indefinitely. Inadequately trained drivers, given experience, will only become experienced inadequate drivers. This, of course, is the same problem the new legislation is intended to address.

We request that the committee consider a simpler, more direct and more cost-effective approach which will subject all so-called level 1 drivers to a more rigorous road exam. This exam should include driving on highways and freeways, a demonstration of emergency braking and avoidance skills, and a test of the applicant's ability to identify and react to conditions of increased risk in the driving environment.

We believe that the only way to ensure that all new drivers are equipped with the physical and perceptual skills demanded by the modern environment is to screen for these skills before granting the privilege of a licence. A tougher test will help to remind the public that in Ontario being licensed to drive is a privilege.

A more comprehensive examination will entail more time and thus be more expensive to deliver. It seems reasonable that those who use the system should be expected to bear the cost of operating it. I recently encountered an individual who claimed to have done 13 road tests before finally passing. When asked why they hadn't bothered to invest some of that expense in professional training, the response was it was cheaper to keep going back for tests. I expect that if the true cost of a real driving test were to be in the \$90 to \$100 range, applicants would be more inclined to ensure that they were better prepared. In the long run, the savings in insurance costs and the collateral benefit in terms of community health and welfare will more than offset this increase in user fees.

I earlier referred to this process as the opportunity of

a lifetime. This committee is in a unique position to make a lasting contribution to the quality of life in this province. Whatever changes to the current system are adopted may well become the model emulated in other jurisdictions. Recent polls suggest that a majority of the public will support licensing reform if it will make a real difference. I believe it is time to seize this opportunity and to avoid half-measures. If we really want to make a difference, let's make sure that new drivers are equipped with the knowledge and skills necessary to be able to drive safely before we give them licences.

Thank you for the chance to participate in these proceedings. I wish you well in your efforts to bring this project to a successful conclusion.

Mr Turnbull: It seems that a lot of the points you have in your presentation are the logical follow-on of my questions to the last witness. What sort of testing should we have in level 1, first of all, and then what should we have in level 2, and how should we prepare people for it?

Mr McManus: As I indicated, if I can compare it to the current situation, right now an individual goes out for a brief period. He's expected to obey the speed limit, always drive in the right-hand lane, be able to park the car reasonably and avoid being in a crash for 13 or 14 or 15 minutes. I think that road tests should be administered in the real driving environment rather than in an artificial environment. I believe that a 15-minute road test is far too short to allow for a real assessment of someone's ability to react to real driving conditions.

I believe there are certain things that are not looked for in the current test. To give you one brief example, certainly a driver who drove along in a traffic pattern where he or she was invisible to another driver by riding along in that individual's blind spot, for example, is putting himself or herself in serious jeopardy of being involved in a crash. Things like that are not the types of things that are being examined for today. Every week in Toronto right now there are hundreds of individuals who are licensed to drive on any roadway. They can take the Don Valley Parkway home if they care to, without ever having been on it once.

Mr Turnbull: Give me just your own estimate as to how long a period of time it would take to adequately test a person.

Mr McManus: I would think we'd be looking at something in the neighbourhood of 45 minutes to an hour at least.

Mr Turnbull: Now, that would be for level 1. What about level 2? I realize that the whole of level 2 really is undesignated at this moment, but looking ahead, there's been discussion of trying to identify an individual driver's potential for risk as opposed to just simply driving skills. Do you believe that should be part and parcel of level 2 or level 1?

Mr McManus: I really believe it should be part and parcel of level 1. If we're going to allow these people to be out driving on the roadways unsupervised, which I think is not unreasonable if they've proven they have the abilities, then I would suggest that level 2 really should be a probationary phase and that people who are affected in level 2 would particularly be people who had demonstrated that they still maintained an inappropriate attitude towards driving—problem drivers, as it were. I think that we have a comprehensive, rigorous test to exit level 1. I see for the vast majority of drivers no need for a second test after level 2.

Mr Turnbull: You're saying no second test after level 2, that you wouldn't have an exit test?

Mr McManus: It should be unnecessary. I think before we allow people to drive around by themselves, we should ensure that they already have the appropriate skills. Many people are suggesting that we use a test much like the current one, which is thoroughly inadequate, and then allow people to go out and then they're allowed to drive on the freeways unsupervised. We have the minimal restrictions of level 2, and then somehow, after they've been in level 2 for a minimum of a year and possibly quite longer, then we give them a more comprehensive test after they've already been put in a situation where they're quite likely to wreak havoc on the roadways for a number of years.

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Mr Turnbull: What do you think about the present level, and I'm not talking about your driving school, on the average, of the skill and the education of the driver educators in this province.

Mr McManus: Generally speaking, I feel it's low. I feel it's much lower than it should be. Again, as I mentioned in my presentation, the reason for that is that in many cases—my experience is mostly within Metropolitan Toronto. I can't really talk about the rest of the province. But in many cases, what happens is that students come to driving schools and these clients are taught to road test standard, period. If they're going to go to a road test at a location where they're not going to be required to do a parallel park, for example, or if there happen to be no one-way streets on that particular road test, then the instructors don't teach it. There are very few schools that I feel really display a commitment to true driver education.

Mr Turnbull: In Metro Toronto today, what is the average duration of a test?

Mr McManus: I believe the exact average is 13 minutes. I'll be kind and say less than 15 minutes, though.

Mr Turnbull: It's rather frightening. Okay, thank you very much.

Mr Paul Klopp (Huron): Interesting report. Some of your comments I've found quite interesting, especial-

ly the one about maybe saving some money administration-wise; I think too maybe not having a test in the second year. If you do it in the first year and you find that you don't have any infractions in that probationary level 2, maybe we can save some money here and just do a check and send you out your valid card. I think that might be a big incentive all the way around. I find that interesting.

I don't recall you mentioning anything about the insignia, the new driver identification. If you did, I apologize. I was interested in some other things that you've got in here. What's your opinion on that?

Mr McManus: No, I didn't mention it, but I will comment on it. If the purpose of the insignia is to identify new drivers who may be violating restrictions, I would think that if, for example, I was a new driver who was going to violate a restriction, I'd simply not display the emblem.

If, on the other hand, the feeling is that the emblem should be there so that other drivers in the environment can show some consideration to this rookie behind the wheel, my experience in Toronto is that the effect will be quite the opposite. We display driving school road signs because there's a Metro bylaw which insists on it, and certainly our experience is that, more often than not, the result is that the learners are harassed. So I don't think the emblem is really necessary. I suppose that's what I'm saying.

Mr Daigeler: You have a couple of rather interesting suggestions here. The first one that I think is a good idea is to allow the use of the 400 series if they're accompanied by a licensed instructor. You then agree that they should be prohibited, at least in phase 1, from driving on the 400 series if they are accompanied by an experienced driver. You insist that it's only for instructors.

Mr McManus: Yes, I do, because I believe there are many experienced drivers who don't understand how to use the freeways properly, and the fact that people don't understand how to use their freeways properly probably contributes to this popular misconception regarding how potentially—they are potentially dangerous, but people often consider them to be the most dangerous aspect of the driving environment merely because the posted speed limit happens to be higher. But in point of fact, statistically they're the safest aspect of the driving environment in terms of crashes per kilometres driven.

Mr Daigeler: That point was of course made earlier. Now, if I understand right, you essentially are saying there's no need for level 2.

Mr McManus: If there's a more rigorous and comprehensive road test to exit level 1.

Mr Daigeler: Right. But you would still talk about some sort of probationary period after level 1.

Mr McManus: I suspect that there will still be, shall

we call them, misfits. I don't know. There will still be people who just have a poor attitude towards driving and perhaps a fail-safe in the form of a level 2 would help to screen out these individuals, and they perhaps might be liable to further counselling, whether in the form of professional guidance with a driving instructor or a driving school or perhaps through counsellors who are employed by the Ministry of Transportation, similar to the situation now when one goes in for an interview after receiving nine demerit points.

Mr Daigeler: Essentially, what you're arguing for is sort of a year of experience, which in essence we actually have already. The main difference from what we have now would be a much stronger and tougher driving test.

Mr McManus: Right now we don't necessarily have a year of experience. We have a 365 which may last for a year. Given how far road tests are away, it's probably closer to a year now. But the main crux of my suggestions here involves the more rigorous road test. If people are educated to the fact that this is a serious road test, and you will have to know how to drive if you intend to pass it, I think people will seek out training to prepare themselves for that process.

Mr Daigeler: Training certainly has been identified as an important area where work has to take place, but the other dimension that many people have argued for and certainly the ministry is arguing for is that emphasis on experience. You seem not to give that much importance to the experience factor.

Mr McManus: I think experience can be valuable if one understands how to drive safely and one has the opportunity to practise driving safely. Then that experience will be beneficial. However, if one moves into level 2, based on a road test which is no more involved than the one we currently use, then that test is not screened for the ability to recognize hazards in the driving environment, for example, and when people go out and practise and gain experience based on their limited knowledge, there's no guarantee that they will improve or become better.

As I indicated before, an inadequately trained driver with experience will become an experienced inadequate driver, and this is precisely what's brought us to this situation we're examining right now.

The Vice-Chair: Mr Wilson, has something's arisen out of Mr Daigeler's questioning? Do you have a question?

Mr Gary Wilson: I did want to ask something of the experience you're experiencing. Are you an instructor yourself?

Mr McManus: Yes, I am.

Mr Gary Wilson: How long have you been an instructor?

Mr McManus: Almost 12 years now.

Mr Gary Wilson: What training did you have to get into instructing?

Mr McManus: It's not too much different than the current situation. You go to a course at either the Ontario Safety League or a community college, or in my case it was with an organization called Young Drivers of Canada. You attend a training course for a month, then away you go, really.

Mr Gary Wilson: Do you think that's adequate training for this?

Mr McManus: No, I don't.

Mr Gary Wilson: What would you like to see in its place?

Mr McManus: There are a number of recommendations being looked at by the Road Safety Educators' Association, and I'm also aware that the Driving School Association of Ontario is discussing more intensive and more thorough and ongoing training.

Unfortunately, what happens now in many cases is that a lot of times when individuals go to enrol in a driver training program, there is absolutely no screening to see if (a) they are appropriate people to be teachers, and (b) my understanding is that a lot of the time spent in that program is involved in teaching these people how to drive properly themselves rather than teaching them how to teach others to drive.

Mr Gary Wilson: What's the average salary within the profession?

Mr McManus: The average salary? Oh, boy.

Mr Cameron Jackson (Burlington South): That's really an irrelevant question. It's about \$25,000 a year less than the average teacher who is doing the course.

Mr McManus: What was your figure?

Mr Jackson: About 25 Gs less than a teacher.

Mr McManus: Probably that would be close. Certainly, one who wants to be a millionaire would probably be better advised to find another line of work.

Mr Gary Wilson: It's not that highly paid, then, in your view.

Mr McManus: No.

The Vice-Chair: On behalf of this committee, I'd like to thank you for taking the time out this morning and giving us your presentation.

1100

JAIPAUL RAMWA

The Vice-Chair: I'd like to call forward our next presenter, Jaipaul Ramwa. Good morning. Just as a reminder, you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd leave a little of that time for questions and comments from each of the caucuses. As soon as you're comfortable, could you please identify yourself for the record and then proceed.

Mr Jaipaul Ramwa: My name is Jaipaul Ramwa and I'm here on an individual basis, representing no organization.

I have been following up this graduated licensing system for a while, since it has been proposed, and I think in its current form there are some things which I would like to see changed, especially in the sense where it comes to the age of driving.

From my experience and from looking at the driving population, looking at the ages of drivers on the road, there are some things we have to distinguish between in the age of driving when it comes to responsibility and maturity of drivers. I have the facts which are going to back up my points. They are all in a statistical manner, in a tabulated form which is on page 1 of my presentation paper.

As can be seen, the age groups are categorized from 16 to 19, 20 to 64, and 65 and over. If we look at the figures, we see that the driver population for 16 to 19 is 5% of what we have in Ontario. Looking at the accident involvement for these drivers, it is 13.2%, a relatively high percentage basis. We can look at the suspension of these drivers based on the demerit points system.

Looking at the age group of 20 to 64, which represents 84.7% of the driver population in Ontario, we see an accident percentage ratio of 6.6%. Comparably, we can look at the suspension due to the demerit points system of 0.2%.

Looking at the 65-plus age group, we're dealing with a 10.3% driver population and an accident involvement of 3.3%.

These figures clearly show me that the age group we have to target in the graduated licensing system reform is the 16- to 19-year-old group, and I have made some recommendations based on the figures submitted.

As is with the current recommended proposal, I will go with it to a certain point. However, there are some changes which I would like to recommend and they are as follows:

For level 1: "Accompanied by a fully licensed driver who has at least four years of driving experience, who is authorized to operate a class G motor vehicle, and whose measurable blood alcohol level is less than 0.05%."

I would basically like to see this paragraph replaced by the following: "Accompanied by a fully licensed driver who has at least two years of driving experience, who is authorized to operate a class G motor vehicle, and whose measurable blood alcohol level is zero."

I elaborate a little on why I believe this should be changed. Alcohol, as we know, plays a very significant role in accident involvement in Ontario, and this is proven, as can be seen from the chart listed in the driver's handbook on page 79, which states, "Even one drink can reduce a driver's ability to concentrate, to

correctly assess unexpected situations and to react quickly enough." If we have it in the driver's licence manual, in the instructor's manual, we should put that in our reform proposals. It's here, we know about it and we know why it is causing an accident. Let's include it.

Once we could have the accompanying driver with zero blood alcohol level, then that fact can negate an additional two years of driving experience. I don't see why we should have a licensed driver with four years' experience with a blood alcohol level of less than 0.05 accompanying a new driver.

Looking at what I'm seeing concerning the non-teenagers, who I would say are basically, on a comparative basis with teenagers, more responsible, once they have completed the first phase or the initial test of the screening tests, the vision test, let them proceed on to their first road test immediately, or as soon as they can. This is where you're recognizing the advanced age, the advanced responsibility and the advanced concern for other road users, as against teenagers, who I am saying are not responsible enough. Let them go to a regular road test.

For level 2: Considering the aspect of limiting the number of passengers carried to the number of seatbelts in the vehicle, I would say let's delete this sentence completely. Why I'm saying that is that once a driver has actually passed the initial road test, he has sort of shown to us that he has an acceptable driving skill which we should go with. He has now demonstrated to us that he can drive a car. All we are concerned about now is monitoring that driving performance on the road.

Telling a driver to get a car where you're saying you must have be limited to a certain amount of seatbelts, you're actually telling him to buy a car with seatbelts in this piece of legislation. That should not be. What I'm saying is let the guy buy a car based on affordability and his concern for safety. You should not legislate somebody's ability to buy a car. Let it be affordable to the guy. He has already demonstrated to us an acceptable driving level in the road 1 driving test.

For the advanced road 2 test, if we are going to say appropriate actions for the driver examiner to judge, let us clearly define these appropriate actions. Nobody sees a particular situation in the same vein, or at least most people don't. A student can see something as an appropriate action and a safety measure—which could be correct—as against what the driver examiner might see differently, and he would say: "Do you know what? This is wrong." Let us clearly define the appropriate action aspect so that nobody will be confused as to what we're talking about.

Just this sense of the previous presenter: I would alter my concern for advanced tests in the second phase a little and say, if we're going to have a probationary system after the first phase of testing, the first, initial road test, then there will be no need for a level 2 road

test, because you're going to monitor the guy here, or the lady, whoever the person is.

My recommendations are based upon the following, which are based, firstly, on the statistics on page 1. I go with John Bates, who said, "The automobile kills more young people than all other causes of death combined," and "The most dangerous place a kid can be is in an automobile." That's in the *Toronto Star*, reported May 11, 1993. We know there's a problem; let's act on it.

Stated in ORSAR 1991, which is the Ontario Road Safety Annual Report: "Young drivers continue to be overrepresented in motor vehicle accidents relative to their share of the licensed driver population." This is on my page 3. "While drivers aged 16 to 24 make up 14% of the driver population, they comprised 23% of the drivers involved in accidents." This is not a low figure. We should target this group. It continues: "Approximately one in eight drivers aged 16 and 17 were involved in a collision in 1991."

Quoted from the graduated licensing system booklet: "In Maryland, where the graduated licensing program applies only to people under 18 years of age, the number of collisions involving drivers in the program was reduced by 10%." Here I think maybe that has been very realistic and targeted the group which is actually involved in accidents or causing the most accidents on a percentage basis. If we are going to make reference to Maryland, we should take a word or two from them or an example here or there.

We should realize too that 69% of Canadians want the legal driving age to be raised to 18, and they must have a reason for that; that is what I'm saying. Let's target, in my view, the immature drivers when they are on the road. "In general, accident involvement decreases with age," and this I would presume to be because of maturity and experience and responsibility on the part of a driver.

The last part which I base my argument on is that seemingly, obtaining a driver's licence by non-teenagers is unjustly getting much more difficult when, on the other hand, every newer model of car or motor vehicle manufactured is much easier and safer to drive, and also the roads and traffic signs are constantly being upgraded for safer driving. So instead of making it so difficult for non-teenagers to obtain a driver's licence, proper measures should be put in place to improve the monitoring of the roadways in order to minimize reckless driving.

In my conclusion, I'm just briefly telling you why I say to you, if we are going to propose a reformation of the drivers' system here in Ontario, let's do it based on age groups accordingly and based on the statistics which are available. We have it here. Let's act on it. Let's be very objective in the approach to this graduated licence system and not let emotionalism or any other factor influence this feeling here.

That's basically my presentation in a nutshell.

1110

Mr Klopp: Basically, you're talking about non-teenagers, and it's something that we've somewhat discussed. If I can be clear here, you've talked about two things that I picked out and that I want to verify. One is about the four years' experience to drive with you, and then also the fact that you're 25, you've never driven before—I'm going to pull that number out for an example. You're 25, you've never driven before, but you decide to get a car. What you're saying is that they shouldn't follow the same regulations?

Mr Ramwa: Exactly.

Mr Klopp: To me, in my terms, if I'm a new driver, I'm a new driver. Under the proposal now, and there may be some amendments, I really have come to not understand the severity of the probation period, because if I'm really doing nothing wrong or whatever, I feel I can probably get through this and it's for my safety and the fellow safety of people on the roads. You obviously don't think so, but I'd like your further opinion on that.

The first part of it was this four years minimum for the driver to have a licence. Do you feel it would be hard for people to get someone to drive with them that's four years?

Mr Ramwa: Exactly.

Mr Klopp: Just expand on what you mean by that.

Mr Ramwa: Getting somebody with at least four years of driving experience, in my view, is going to be hard on lots of non-teenagers, especially for immigrant persons.

The other aspect of why I'm saying that as against where the teenagers must go through the rigorous process is based on statistics. The present rules that we have are working right now. All we need to do is improve on them.

If you look at ORSAR, which is the Ontario Road Safety Annual Report, it states here on page 17: "Despite the fact that the number of licensed drivers continues to increase, the number of fatalities was the lowest since 1986. Injuries are the lowest since 1976." It proves to me that something is working. Something within the present system is working. All we need to do is improve on it, and that's what I'm saying.

We know where the problem is. Everybody causes accidents. That's what an accident is; it's unforeseen circumstances. There's nothing you can do to avoid it if it's there for you. But we see the age group which is causing the most accidents on a percentage basis. Let's target it. They are the 16- to 19-year-old age group. In fact, as the author is saying, it's the 16- to 24-year-olds, but I'm going to say let's come to a compromise here; let's go to the lowest age group, the factor which is more proven to cause the accidents. That's because of the irresponsible nature of teenagers.

People beyond 19 years drive because of a livelihood. They drive because they have to do it for a job, for their family, as against a teenager who just drives mostly for the sake of fun, for the sake of going to the movie, for the sake of going to the mall. Ones who drive for the fancy of it will exhibit the least sense of responsibility. All I'm saying is consider those factors.

Mr Gary Wilson: I just want to pursue that for a moment, because it seems that although those motivations might differ. There's still the aspect of operating a car in today's complex road system. It's that part that I'm interested in. You think that more mature drivers, because of age, would pick that up easier? Is that what you're saying?

Mr Ramwa: The rules of the road, anybody could understand them or pick them up, anybody. Even a kid could do it. The fact that they're crossing a road, we understand the rules of the road. The difference is that when we are driving—and you will see this every day on the road. You drive on the road and look at the drivers. The ones who are the careless drivers are making the most mistakes. The ones who show the least concern are the groups of teenagers, are the youngsters, especially so when they're with groups of friends.

Mr Gary Wilson: Yes, but rules of the road are different from driving, actually putting them into practice. This is what I'm wondering about. Are you saying that you don't need that kind of instruction, that kind of system that we've got set up to provide experienced drivers with novice drivers? Let's look at it this way, then: Without that, you're saying that drivers past a certain age should be able to get into the system the way we have it now?

Mr Ramwa: Presently, the provisional system right now as applied.

Mr Gary Wilson: You're saying that's enough, that you don't need the extra instruction, the extra attention, I guess, in driving safely.

Mr Ramwa: I would say, based on what is available here, that this system is enough. It's working. I just quoted page 17 of the ORSAR manual. It's working. The fatalities or the number of accidents is actually on a decline. This is the 1991 manual, right? It's actually on a decline.

We are trying to target or trying to make an improvement on the present trend because of fatalities or losses we suffer, both physically, emotionally and financially. If we are going to target people to drive and you want to make a more strict measure for driving, I am saying let it apply to new drivers, but differentiate a little, okay?

What I'm saying is that once the non-teenagers have passed the initial vision test as we have right now and a screening test, let them proceed. Accept their sense of responsibility a little more and let them proceed to the

first phase of the road test.

Two things could come after that. You have the second road test one year after, which I am not against, or in the absence of that, you have this current demerit points system applied after the first road test.

Mr Daigeler: Thank you for coming before the committee. I think it's generally recognized that with age comes a little bit more, perhaps I should say—I shouldn't say more responsibility, but perhaps less risk-taking. I don't think that's perhaps necessarily the same.

However, we've been informed by the ministry that the accident statistics, while they're highest for the youngest drivers, are also quite a bit higher for novice drivers even if they're older. So that, I think, is the major reason why the proposal is the way it is, because even if you are 30 or more advanced than that and you're a new driver, still you show up in the accident statistics much more often than those who are 30 and who are experienced drivers.

Mr Ramwa: That's fine. It's like anything else. With more practice, the better you get. I accept that. But talking about the ministry having those statistics based on the novice driver, I have been trying to get them. I've asked for them and they cannot produce it. I would like to see that. I think in the absence of that, it's merely an assumption. I have been trying to get the statistics. In fact, it's listed in the graduated licence system manual, and I have not seen those statistics. If they could produce them, that's fine.

Mr Daigeler: You are questioning that.

Mr Ramwa: What I'm saying is, in the absence of that, I would be a little vague about believing it. But I go with the point that the more practice you get, the better you become, as with anything else. The fact of the matter is, though, to not guess of people being new drivers, even over 25 years of age, and this is the aspect of their being involved in accidents, the likelihood of them being involved in accidents. Let's look at a differentiation of figures as beyond 19 years and under 19 years.

We were looking at Maryland figures and using that as an example. Go with that. The figure, as far as I'm concerned, for the 16- to 19-year-old age group is astronomical in terms of the accident involvement ratio that they have. Look at it. The 16- to 19-year-old group are 5% of the drivers' population in Ontario and on a percentage basis, they're involved in 13.2% of the accidents. Again, the 20- to 64-year-old age group, which represents 84.7% of the drivers' population, is only being involved on a percentage basis of 6.6%. It's a great number of figures we're talking about there, the difference in that.

You're going to have accidents in all cases. Youngsters and older folks are going to be involved in accidents. Looking a little closer at the statistics, we'll see,

on a percentage basis that once they've reached 64 and beyond, they tend to be involved in a little more accidents than other age groups. We know that is due to a slow coordination of the body responses. The older you get, the less likely that you can respond faster to unforeseen circumstances.

1120

These guys have been through the system for so many years. Let's not target them. You have to accept that the older you get, the less likely being a good driver becomes.

But we are not dealing with an age group which is more prone, as the figures show, to be involved in accidents. Let's target them.

For the 20- to 64-year-old age group, yes, you will have accidents. The likelihood is that the younger they are, the more they will be involved in accidents, and that's something we know. It's stated that the older you get, the less likelihood that you will be involved in an accident. There is nothing we can do to stop that unless we put strict measures in place.

But we should not target everybody, based on what we are seeing here in the figures. That's all I'm saying.

Mr Daigeler: Yes, I understand that. I think that's a position one can take.

We've got so many documents and papers from the ministry I can't recall precisely seeing the figures. Certainly, it was mentioned orally several times by the ministry officials that the accident statistics were also quite a bit higher for novice older drivers. Did we get something in writing on that? Did we get any stats? If not, could the ministry share that with us and with the gentleman who is here, since apparently he has not been able to find that? I don't know whether the parliamentary assistant can answer that.

Mr George Dadamo (Windsor-Sandwich): We were given some notes this morning, and some clarifications and some comparisons, but I don't think that was part of it.

Mr Daigeler: No. I think at the beginning of the hearings we got some statistics. I just can't recall whether in one of those columns there was that breakdown.

Mr Dadamo: Would you like something verbal now or something in writing later?

Mr Daigeler: Verbal in the sense of whether that's available to give both to us and to Mr Ramwa.

Mr Dadamo: That's available now, if you want it verbally, from Mr Hughes.

Mr John Hughes: The numbers that we have very clearly show that a 40-year-old driver, a 50-year-old driver and a 60-year-old driver in his or her first two years of driving is three times more likely to have a collision than a more experienced driver at the same

age. The statistics that we have were given to the Insurance Bureau of Canada and TIRF, the Traffic Injury Research Foundation, when they produced their public document called *New to the Road*, which I think you all have; if you don't, we can get that for you. The statistical information in there clearly backs up that claim. We also have other data, but those are publicly available data and have been for some time.

The Vice-Chair: Does that satisfy you, Mr Daigeler?

Mr Daigeler: I guess that would be enough for me. I don't know whether that's enough for Mr Ramwa.

Mr Ramwa: I will need to see the figures too, but still my argument would hold, as the total data show here. If you're going to break down everything by age group, by going to the age group for any five years' difference or 10 years' difference, we're going to see different figures. What I'm saying is, let's target people who are basically involved in the most accidents right now. That's based on responsibility and maturity, and that only comes with aging. We know that. That's a fact.

Mr Daigeler: Perhaps Mr Hughes could stay here for a moment. I think one of the reasons for your concerns, and this has been mentioned by others as well, is for new Canadians, for immigrants who perhaps have driving experience in other countries. It was mentioned again at the beginning of the hearings that where there is an agreement with another country, then they could more or less immediately enter our system after taking, I guess, a basic test, but where there isn't an agreement with another country, then I think they are treated like any kind of novice driver. I'm just wondering, how difficult is it to enter into an agreement with other countries?

Let's say myself. I came from Europe, and I did have to take a test but I could take the test immediately. As far as I know, there's no agreement with Germany. I guess if I came today, I would have to wait at least eight months before I could get the Canadian driver's licence.

My question is, am I correct in what I just said? Secondly, how difficult is it to come to an agreement with other countries so that this situation could be avoided?

Mr Hughes: I'm not totally familiar with the process of coming to an agreement with another jurisdiction. I do know that the process does involve a willingness on the part of ourselves and the other jurisdiction to negotiate that, and the process involves us looking at their standards and them looking at our standards to make sure that they are reasonably compatible and comparable. It does take some time to do that.

Mr Turnbull: Just before I ask any questions, I'll go to Mr Hughes and clarify that if somebody comes

here and they're not part of one of these joint agreements, I understand that, at least if they can demonstrate that they have been driving for several years, they can immediately challenge the level 1 test. Is that correct?

Mr Hughes: That's correct. If they can show us that they've had two years' experience, even if they're from a non-recognized jurisdiction in terms of licensing, they will be allowed to try the advanced test immediately. If they have less than two years' experience, they'll be allowed to try the basic test immediately.

Mr Turnbull: Okay. Based upon that, Mr Ramwa, you'll gather from all the questions from the committee that we have difficulty with your proposal, and the reason for that is the overwhelming amount of evidence we've had put before us during this whole committee process. You're suggesting that two years' experience is sufficient. Based upon the evidence we've had, we're saying to you: "No, that isn't true. The statistics don't prove it." You have suggested that we should be discriminating against teenagers.

Mr Ramwa: I wouldn't say it's discrimination.

Mr Turnbull: Okay, well, whatever word you want to use. You want to target teenagers. We have in fact found that there's a very large bulge in the 20- to 24-year-olds who have an unusually large amount of accidents, and let's not use the word "accidents"—crashes, fatalities. So there's another area. You've also just heard from Mr Hughes that the accident statistics suggest that new drivers, irrespective of age, are three times more likely to have some sort of accident or crash. Based upon that, I have to say it somewhat destroys your premise for your argument. How would you respond to that?

Mr Ramwa: As I said, I haven't seen the data for that, but I'm taking his word as is. As I said, in any situations, with practice comes experience. It happens in all situations.

Mr Turnbull: But then if you accept that concept, you just don't do anything. You say, "Okay, we'll just struggle along with the present system." We wouldn't need to make any changes if you accept that premise.

Mr Ramwa: I would accept it as is, yes, what he's saying, but I would have to see data on that.

Mr Turnbull: But let's not argue about the validity of the data. I'm confident that the government of Ontario has correctly gathered the data in conjunction with the Insurance Bureau of Canada. They have the statistical base. That's not what we're talking about.

Based upon that evidence, which I think is overwhelming, I'm suggesting to you that we need to have more experience. Anybody coming from another country, as did I, with a licence, they're being handled very equitably under this proposal.

We're talking about new drivers—new, period. They haven't driven before. So why would we exempt drivers

over 20 from having to have four years' accompanying driving experience?

Mr Ramwa: Actually, I'm not saying over 20 from having that.

Mr Turnbull: Okay, what are you saying?

Mr Ramwa: What I'm saying is accompanying drivers, accompanying, fully licensed drivers, and this is of both age groups—it does not discriminate against or it does not differentiate against the non-teenagers or the teenagers. What I'm saying is the accompanying driver, if you're going to say to them, "Have four years of driving experience but have availability," I'm saying no way, don't have any alcohol, because that's an area where you can make mistakes. It's the likely contributing factor for mistakes. Negate the factor of alcohol, but also at the same time demonstrate your sense of ability, of judgement, in saying then have less driving experience. Delete completely the factor of having a maximum of 0.5% blood alcohol level.

1130

Mr Turnbull: There is a very real possibility that this committee may suggest that the accompanying driver have zero BAC. That's being discussed, but not as a quid pro quo for reducing the amount of driving experience for the accompanying driver.

I have to tell you, I know that when I had two years' driving experience, I was not ready to start teaching somebody else how to drive. I have doubts whether I should be teaching now. I think a professional trainer should do it. And I can tell you, I'm a safety nut. I've had a car with a safety belt on it since people thought it was an oddity. It wasn't a standard feature.

I also have great difficulty with the idea that we're going to allow people to drive with more than the number of seatbelts in the car. If I had my druthers, I wouldn't allow anybody to drive in a vehicle without a safety belt on, even if it means retrofitting the existing cars. It isn't a terribly expensive process to retrofit, and within a few years' time this will be academic because all the cars will be of such an age that they'll all have automatically, even if they're second hand, a complete set of belts.

Mr Ramwa: Exactly. There's a comment on your point of being the confidence of being the teacher or accompanying a learning driver. I would say that's a personal judgement. If you don't have the confidence, it doesn't mean somebody else cannot perform the task.

Mr Turnbull: Excuse me, I think I'm a very, very safe driver, but I have never heard anybody going out and saying, "I think I'm an unsafe driver." It seems to me everybody thinks they're a safe driver. I am just dwelling on the fact that I don't believe that with two years' driving experience, you're ready to be the accompanying driver.

Mr Ramwa: I think it has actually worked. From

the figures and statistics I showed, it is working.

Mr Turnbull: No, the statistics you showed did not demonstrate that at all.

The Vice-Chair: Thank you, Mr Turnbull.

Mr Turnbull: No, no, the whole point is that we know that safer cars, better design of cars today, is probably the greatest reason for a reduction in the death statistics.

Mr Ramwa: I don't buy what you're saying.

Mr Turnbull: Okay, well, let's ask—

The Vice-Chair: Thank you, Mr Turnbull.

Mr Ramwa: Let me just comment on that. The most important factor which has been identified as a contributing factor for fatalities in Ontario is poorly treaded tires, which reduces the traction on the road, the tire tread? Two is defective braking. Three is a blown-out tire or puncture. If we put in place measures to improve the vehicle inspection process before licensing a vehicle or have regular licence intervals that we can look at the vehicle again, then we're going to put a dent in these factors, downwards, and these are factors which have been identified by the Ministry of Transportation.

The Vice-Chair: Mr Ramwa, on behalf of this committee, I'd like to thank you for taking the time out this morning and giving us your presentation.

RODGER PEAIRE

The Vice-Chair: I'd like to call forward our next presenter, Mr Rodger Peaire. Good morning. Once again, just a reminder you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd leave a little time for questions and comments from each of the caucuses. As soon as you're comfortable, could you please identify yourself for the record and then proceed.

Mr Rodger Peaire: Good morning. My name is Rodger Peaire. I'm really here as my own unit. I'm not representing any organizations or particular groups. I'd like to take this opportunity to thank this committee for allowing me to present my thoughts and my recommendations this morning in relation to the graduated licensing program.

I believe we must look at the fundamental reasons for the introduction of graduated licensing, that being to reduce the number of fatalities and injuries that occur at a disproportionate rate among new drivers, and more particularly with those in the 16- to 20-year age group.

No doubt you've heard numerous studies that have pointed particularly to this age group, that they have a higher rate than most other groups. I believe a possible explanation for this is that there's often a sense of immortality, and as a result they take more risks than one normally would. Although this may sometimes be amusing in college-style pranks, it can be extremely devastating, if not deadly, when trying to drive a half-

ton of steel careening down the road. As mentioned before, it is hoped that graduated licensing will help reduce this waste.

We must caution ourselves, however, that we can enact as many laws as we want, and we can impose as many restrictions as we want towards driving, but we cannot implant an attitude into a new driver. That attitude has to be transformed through education, such as drivers' ed classes; it has to be done through strict enforcement of current laws; and it has to be done through the parents and the families of new drivers reinforcing the responsibilities of having a driver's licence.

It can also be done by a no-tolerance attitude towards inappropriate driving habits, similar to the success of the drinking and driving program that has been in Ontario for a good number of years. It is up to all of us to set a model of good driving techniques so we may encourage new drivers to operate in a safe and efficient manner.

Some of the recommendations my wife and myself would like to propose be included in the graduated licensing program are as follows:

(1) Absolutely no tolerance of drinking and driving, regardless of the level of alcohol; that is, even if it's below the allowable 0.08. With a new driver, it should be 0.00. There is no doubt in any of our minds, I don't think, that alcohol impedes one's judgement, and when you have that in combination with a new driver who is inexperienced, that's a deadly force.

(2) Upon obtaining a licence, and at this point I'm suggesting level 2, a driver would not be permitted to carry any passengers, with the exception of the immediate family or, as already recommended, a qualified driver with four or more years' experience. That would take place for a minimum of one year. A lot of tragedies could be prevented this way; that is, there would be no peer pressure, there'd be no reason to show one's prowess or driving ability.

Having the exemption of immediate family members would show sensitivity towards those new drivers who are possibly married or have a family when the restriction would inconvenience them. I would suggest very strongly that, having family members with them, they won't have irresponsible behaviour.

Also, I just heard briefly of drivers coming from other countries. Again, there'd be that sensitivity there that if they brought over their family, they could at least get around, but without harming others as well.

(3) Zero tolerance by law enforcement agencies of any infractions. We must demonstrate the seriousness of driving to new drivers and that any infraction, no matter how minor, can potentially have lethal consequences. We must demonstrate that it is socially unacceptable to drive in an erratic or poor manner. It should be incum-

bent on all people to report such erratic or poor driving habits to show the intolerance. Echoes of Big Brother watching are sure to abound, but is it not better to err on the side of caution when it could potentially be a matter of life and death?

(4) Impose a curfew on all new drivers between the hours of midnight and 6 am. I'm sure it'll be argued that this would restrict drivers who have jobs that would go beyond the curfew limit, and I can see there would be legitimate concern. I do believe, however, that from an enforcement standpoint it would be too difficult to monitor those driving who were working and those who were not. The other thing is that on a realistic basis, even today there are teenagers who are working without licences well past midnight, till 2 or 3 o'clock in the morning at some of the fast-food places, and they manage. So yes, it'll be an inconvenience and there'll be hardship, but it won't be deadly.

(5) Have some form of permit system to indicate or differentiate new drivers. This could possibly be in a form similar to the ones we have for disabled cards, where you have a card in the windshield. This could be transferred between vehicles, if need be; it could be taken out when a qualified driver is there. Also, on these particular stickers it could be designated whether they're level 1 or level 2 drivers. Again, I think it would be helpful for the law enforcement agencies to differentiate in that area.

(6) During level 1, there should be a need for a specific amount of time for driving a vehicle; that is, the driver must log a specific number of hours, for example, 100 or 150 hours, before being allowed to take a level 2 test, unless there is some way to monitor that a new driver has actually been behind the wheel of a car. Essentially, that person could take their beginner's licence or level 1, keep it for eight months or a year, a year without the drivers' ed, walk in, take their level 2 test and drive without ever really having driven before. It seems illogical in some respects, but it could be narrowed down to two or three weeks or a couple of months, and that's where I suggest, if at all possible, some format for a log time.

(7) If a driver accumulates six or more demerit points while in level 1, the driver should have their licence suspended for a period of 60 days. When that licence is reinstated, the driver starts at the beginning of level 1 again. On a second accumulation of six or more demerit points while still in level 1, that driver would lose their driving privileges for a period of one year and would be reinstated at the beginning of level 1 again when that year was over.

1140

(8) Very similar to number (7) except it is dealing with level 2, in that in level 2, if they accumulate six or more demerit points, they would have their licence suspended for a period of 30 days and at the end of that

would start at level 2 again. On a second accumulation of six demerit points or more while still in level 2, the driver would lose their privileges for a period of three months and, when reinstated, would start at the beginning of level 2 again.

These are some suggestions that we feel will ensure safer roads for all drivers and, more importantly, may save a number of innocent lives. We have to protect the young and the inexperienced and we have to protect those who may casually put their fate in someone else's hands.

I'm sure the greatest critics of the graduated licensing program will be that 16-to-21-year-old crowd. I can hear the claims that it infringes on their freedoms and their rights. I ask, what freedom or right does a 17-year-old have to have his classmates visit him in a funeral home? He has no rights, and these are the things we have to protect. What rights does a quadriplegic have after being involved in an accident? Certainly not the same rights we have ourselves today. Should they not have the rights, the freedom we have? What about the families, victims of a sort? Should they not have the right, the freedom to be with their children and not have to carry on a one-way conversation with them at the cemetery, or go through years of mourning, of agony, of deep sorrow and heartbreak?

To those who say it infringes on their rights and freedoms, the resounding answer should be that driving is not, nor ever has been, a right. Driving is a privilege, and it has to be earned and it has to be maintained. As I mentioned earlier, it is incumbent on each and every one of us to enact some form of graduated licensing. It is up to each and every one of us to act as a positive role model to all new drivers. It is up to the parents of the new teenaged drivers to guide the way for graduated licensing and give it total support.

Let me reiterate that no amount of legislation is going to change an attitude towards driving, unless it is reinforced by society as a whole.

One must also be cautioned that although graduated licensing will certainly reduce the number of accidents, and more notably the number of fatalities, it will not stop it altogether, but I can guarantee you that it will reduce fatalities considerably and save countless families tremendous sorrow and anguish.

My wife and I are very strong proponents of graduated licensing, and we had placed many of the restrictions we now have recommended here today on our son. We cannot do it alone. We need the support from this government in the form of legislation. We need the support of the police forces to ensure the laws are enforced. We need the support of the judicial system to give this act some teeth. We cannot sit on our laurels debating. We must stand up promptly and get the graduated licensing program going now. We cannot afford to wait for more deaths or tragedies to occur.

I think since February of this year there have been no less than 21 young people killed in accidents. That's 21 families that have been affected.

Our 17-year-old son was killed by an inexperienced driver—a young driver, 16—who'd had his licence a scant four months. This accident, I might add, didn't happen on a 400 series highway, in spite of the excessive speed, which I think was clocked at over 160. No, it was on a county side road. Had graduated licensing been in effect, I know this accident wouldn't have happened because that driver would not have had any more than a level 1 licence, and I'm quite sure that numerous others wouldn't have occurred.

I thank you, and I look forward to your comments and your questions.

Mr Daigeler: Thank you very much for bringing your personal witness to this committee, which is very important for us. We had similar presentations earlier on, one in Ottawa where a victim of an accident came to share his story with us. This obviously touches us all.

You are making one point that is extremely important and, at the same time, perhaps the most difficult one, where you're saying the whole society has to change its attitude. I happened to flick the television on last night when I came home from the hearings in St Catharines and there was something on TV that I thought, "Gee, that's good; that's a way to perhaps change the attitudes of society."

I don't know whether anybody else in the room saw it on the CBC—what's it called?—the extended news program. They showed a report from Alberta where a CBC reporter, I guess through his research, identified drivers who had been under suspension, and through a secret camera filmed them driving while under suspension. Then he went after them, confronted them and said: "Here, I've got the video. You're driving. Why are you doing this?" It was very impressive. It showed that despite suspensions, people were still driving.

By showing this on television, I think a lot of people realized what this meant and what the possible implications of this were. There was one in particular who had been forbidden to drive for life because he had been in serious accidents under alcohol, and they filmed him coming out of a tavern going into the car. I understand that the Alberta government has acted already to try and get the guy apprehended. He apparently is in BC right now.

What I'm trying to say here is that really there is a role—and I'm glad to see the journalists taking this up—for all of us in making us more aware of the safety and the public health issue that's involved in this. I think the more we can see what I saw just by chance, actually, last night, the more we will achieve the purpose you're after.

I don't really have a question for you. I just wanted

to share that with you, to say that this cause I think is more and more being picked up by the different partners in society and I think we are seeing some change of attitude and approach to this whole question of safety on the roads.

1150

Mr Peaire: As I mentioned, given that the drinking and driving campaign was so successful in reducing the amount, and obviously it hasn't stopped it altogether but it has reduced it, I think if we could somehow get that same message or a similar message out about driving—I might add as well, in this particular accident where my son was killed, there were absolutely no drugs and alcohol involved, and we know this because an autopsy was performed on the driver, and all three boys were wearing their seatbelts. So you have a situation that no, they weren't bad, but they defied the laws of science, they defied the laws of engineering and it just didn't work out, and they defied the laws of the land.

Alcohol certainly plays a factor, but you have to bear in mind that it's not always there. These kids were literally good kids. It's just that they made a bad choice.

Mr Sean G. Conway (Renfrew North): Just one question: Did I understand you to say that in the accident that killed your son on that township road, the driver was driving 160 kilometres?

Mr Peaire: The forensics came back that they calculated it was between 140 and 160.

Mr Conway: On a township road.

Mr Peaire: Yes, sir, and over a narrow bridge to boot.

Mr Conway: My question then is, what do we need to do? We've got a level 1 and a level 2 here, but if somebody who is probably a good kid, the driver in this case, what do we need to do to make somebody aware that that's really not acceptable behaviour? I look at the graduated licence proposal and I support it, with some concerns around some of the rural impacts, but I just sort of think, 160 kilometres on a county road, and that seems to be light-years from any sense of reasonableness. Maybe our proposal is, for those people, altogether hopelessly inadequate.

Mr Peaire: Yes, it is, and I say it's not going to stop it totally. But in that particular case, if you had said or had the restrictions that the only passengers were immediate family, as I say, I think they'd be a bit more responsible, and failing that, having a licensed driver of four or more years' experience again wouldn't allow a novice to do it, and if worse came to worst, that driver would only be by himself. In that case, the stats would indicate that literally two thirds of those fatalities would have been prevented. So no, it won't stop it, but it can reduce it significantly.

Mr Turnbull: I realize how hard this must be for you. I've been pushing very hard for the last two years,

since I became our Transportation critic, for us to introduce graduated licences. I believe this is a very modest proposal. In fact, I do propose to try and get the government to strengthen some of these things.

You have indeed hit the nail on the head inasmuch as it isn't just a question of legislation; it's a question of attitudinal change. I'm pleased to say that in some respects I think we are being successful in this province. When I look at the incidence, among teenagers, of drinking and driving, we know that it has reduced tremendously in the last few years. That is an attitudinal change; it isn't because of any legislation, because it's always been illegal to drink while you drive.

You mentioned some sanctions in your brief in terms of bouncing people back to the beginning of the process and suspending their licence straightaway. The head of the Ontario Association of Chiefs of Police suggested yesterday that we should in fact have some automatic sanctions in it, not anything which is up to a judge, but if people are found in violation of the terms of graduated licensing, they automatically get bounced back. He didn't recommend specifically in the way you have what we should do, but he said this should be automatic. Is that your feeling? Is that the way to do it, or should we leave some leeway in the hands of the courts or some adjudicator?

Mr Peaire: No. Actually, I'd almost be in concurrence with the Ontario Association of Chiefs of Police. Basically, if that penalty is there and there are no ands, ifs or buts, it'll certainly make a person think twice.

Also, my recommendation was a heavier penalty actually in level 1 than would appear in level 2. The thing is that in level 1, although 90 days may seem a long time when you've only got the car one or two days a week, it's not that bad. In level 2, however, that 30-day period would be quite long if you had access to that vehicle every day. So the severity seems less in level 2.

The other thing is that obviously, after the year of driving, you'd have a bit more confidence, you'd have more respect for the road and be less likely to commit an offence. So it's the theory of "hit 'em hard" right at the beginning.

Yes, I agree, black and white, there it is. If there are extenuating circumstances, maybe have some sort of an appeal system, but basically I would say yes.

Mr Turnbull: I think there's a great deal of merit in your suggestion with respect to limiting it to family members or trained driver educators in the car in level 1. I'm not sure whether the legislators will have the will to put that forward, because I suspect we'll have a huge outcry from rural Ontario where, admittedly, they don't have the transportation system that we have.

I wish certainly that those people and in fact the witnesses who have come forward who disagree, for example the gentleman who just presented to us before,

could have heard all the evidence we've heard in this two-week period. To anybody who suggests that in some way we're limiting their freedom, yes, we are, but it's in the interests of their children and those people. We don't want them to go through the trauma you've gone through.

It's a question of getting people to accept legislation. It's all very well, as you've pointed out, putting legislation in place. We've got to make sure that it isn't flouted, much in the same way as my colleague Mr Daigeler mentioned in Alberta, where they've got an unusually high number of people who are quite frankly driving without a licence, period. We've got to make sure that legislation reflects reality. I wonder if you could just comment on that. I think you have in saying that we've got to have the attitudinal change.

Mr Peaire: I'm not quite sure exactly what question you're asking. I'm sorry.

Mr Turnbull: How we balance this between legislation and getting the attitudinal changes.

Mr Peaire: There are a number of ways we can do it. Again, the drinking and driving campaign, I'll draw back to that on some things there. The other thing that I personally am going to try for as well, in conjunction with our local police forces, is to go into the schools to drive that message through, to say, "Yes, there are real people there, there are real accidents and there are real deaths," to help educate them towards that new law. It's a combination of everything.

I think probably the most frequent comment we heard after the accident was everybody coming up and saying: "Well, yeah, I sort of remember when I was young. I remember doing things like that. I remember this or I remember that." Is that what we want to demonstrate to our new drivers, to say, "Yeah, we did it and got away with it; therefore that leaves the door open for you"? No. I think we have to say, "Yeah, I did it and it was really dumb, and if I catch you doing it, I'll probably knock your block off." Yes, that's a bit severe but that's sort of an attitude that, "No, it is not acceptable."

1200

Ms Haeck: Thank you for your very moving presentation here. Obviously, none of us can really even begin to understand your loss and the pain and sorrow you have personally gone through. But you do make some very good recommendations.

Following up on Mr Turnbull's line, in your eighth recommendation, the second part of it, my sense would be that if someone had actually reached the second phase and they had managed to accumulate six demerit points, I wonder how they got to level 2. One would have expected a range of mistakes maybe from someone who is a complete novice, but someone would have at that point supposedly had a bit more responsibility and common sense and experience on the road. I like that

point, but I personally would have liked to almost take them back to level 1. Any comments on your part would be appreciated.

Mr Peaire: I guess six demerit points seems like a lot. However, one considers that with a careless driving charge, six points are gone; something as simple as going through a stop sign, four points. I believe passing a school bus is either four or six points. So really, in that respect and in that light, you're looking at one, maybe two mistakes. As I understand it, the second part of that is that instead of going back to the beginning of level 2 again, for instance, in that situation, go right back to level 1. Is that how I'd understand you would do it? It would certainly be food for thought.

By the same token, I guess there should be some mercy or some sensitivity shown that yes, if that person, for whatever reason, did happen to blow a stop sign and then the next day got caught for something else, there's six demerit points right away, and they're into their 18th month of the thing, then they've literally got to go back and do an additional two years for the maybe one or two mistakes. That to me is just a tad heavy.

Ms Haeck: I just think if one of your examples was passing the school bus—Mr Lessard, who's sitting next to me, has written a lot of us about a campaign that he's been supporting about reaffirming that passing a school bus is highly dangerous, particularly for the occupants of that school bus who may be trying to cross the street to get home—

Mr Jackson: Making our buses safer is what we should be doing.

Ms Haeck: I don't disagree with you, Mr Jackson. There are many things, but there are a lot of accoutrements to a school bus these days to flag the fact that it is stopped and is letting out, sometimes, five-year-olds.

In the case of your sixth point on that same page, you raise the point of trying to log the number of hours. While I have asked that question myself of another deputant, I wonder how we would administer that. How would you test for that? I know that may be one of those administrative nightmares. It sounds good, where you're going to make sure that they have the experience, but how do we actually know that they have the 100 or the 150 hours that you've suggested?

Mr Peaire: That is one that, again, is extremely complex. Yes, it could quite conceivably be an administrative nightmare. I'm not really sure I have an answer for that—maybe require those drivers to literally log in with the MTO, for instance; possibly have somebody sign off that yes, they had been in the car for this amount of time with that qualified driver. It will probably be subject to abuse, no doubt. But I think it just, again, prevents that person from literally grabbing their beginner's licence or that level 1 and two weeks later going for their test.

Again, ironically enough, this driver had taken his classroom theory on driver's ed prior to his 16th birthday. On his 16th birthday he went out and got his beginner's and within a month had his licence. Somehow you've got to prevent that. Somehow you've got to say: "No. You've got to spend X amount of time in there." Hopefully, on the honour system, that's saying yes, you have spent that amount of time.

Something that I never thought of until just now is that possibly our licensing exam should be a lot stricter, should be more scrutinizing. Rather than a 20-minute road test to say, "Yes, you're ready," maybe it should longer; maybe there should be more questions involved. You're dealing with a half-ton of metal or more at some speeds that are deadly.

Maybe it's the combination of the two, that, yes, would somehow be logged in, whether it be on the honour system with somebody vouching for that or an affidavit, as such, and if perchance maybe you set up a fine system saying, "Well, yes, you've said you've done this and we've consequently found out you haven't, therefore you're subject to a fine"—I don't know. It will be difficult, no doubt.

The Vice-Chair: Mr Peaire, on behalf this committee, I'd like to thank you for taking the time out and bringing us your personal experience and your recommendations to this committee.

Mr Peaire: Again, thank you very much for allowing me to share our thoughts.

The Vice-Chair: We have a bit of housekeeping to do here about the committee procedure. I understand we will be getting a summary of all the presentations, and it's been recommended that maybe we could have the ministry staff come back when the House starts sitting at our first meeting for any questions as a follow-up, and then we'll try and draft a report for the ministry.

Mr Jackson: Mr Chairman, following on yesterday's deputation by Constable Kim Duncan of the Halton Regional Police Service, as it relates to the information about Ontario taxpayers paying for drivers' education in correction facilities for young offenders and the subsequent deaths that resulted in my jurisdiction, could I request the researcher to bring forward information regarding the five youths who escaped custody from a corrections institution and were killed?

I know there was an inquest into that and there was a government report on that, but I would like to pursue this area as a recommendation for the committee and would be very much interested in determining, of the five youths, where they got the car and whether they as well or the driver were trained at taxpayers' expense as a young offender. These are the kinds of questions which arose in my mind late yesterday and I think it might help the committee to examine it.

I don't think it's fruitful to pursue the general issue

of how many young offenders have ever been in bad accidents, because I don't think we could gather that information. But this is a known death involving five individuals. They were fleeing custody, and I would like to have access to those reports to help us formulate some recommendations. If I could make that as a formal request for the committee's support, I'd appreciate it.

The Vice-Chair: All right. I'm sure that if research can get that for us, we'll get that.

This committee stands recessed till 2 pm this afternoon.

The committee recessed from 1207 to 1403.

ONTARIO MUTUAL INSURANCE ASSOCIATION

The Vice-Chair: I'd like to call this committee back to order. I'd like to call forward our next presenters, from the Ontario Mutual Insurance Association. Would you please come forward.

Mr Daigeler: While the delegation is taking a seat, I'd like to read something to the committee which I think is unfortunately relevant. This is today's edition of the Ottawa Citizen. There's a big article in here that says:

At noon Tuesday this gentleman was in his yard—he's an Ontarian in the neighbourhood of Brockville—"when a car carrying four teenaged girls on lunch break from Athens District High School rounded the curb."

He "knew immediately they were in trouble. The car fishtailed as the young driver fought for control, then veered into a ditch. It rolled over at least once and crashed on its roof into a hydro pole."

Lori Edmunds died. "Karen Haggett of nearby Addison suffered a broken neck. The driver, Tera Talbot, 16, of Toledo, and passenger Nicole Plant, 17, of Athens somehow escaped serious injury. Talbot had received her driver's licence two weeks ago...and had got permission to take the family car to school."

The Vice-Chair: Quite relevant. Thank you very much.

Mr Daigeler: That's today's paper.

The Vice-Chair: Good afternoon. Just a reminder that you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd leave some of the time at the end for questions and comments from each of the caucuses. As soon as you're comfortable, could you please identify yourself for the record and then proceed.

Mr Glen Johnson: My name is Glen Johnson. I'm president of the Ontario Mutual Insurance Association. With me I have Mr Ron Perry, who manages the Lambton Mutual at Watford, near Sarnia, and Mr Doug Little, who manages the Elma Mutual at Atwood. That's near Listowel.

Both of these gentlemen have seen mature children through the driver licensing process, and I have a couple

of young teenagers who are about to go through it. I'll just let you know that at the outset too.

I'd like to call on Ron Perry to present our formal brief.

Mr Ron Perry: We appreciate being afforded the opportunity to present our support for the concept of graduated licensing and to give our constructive criticism of the model that has been proposed.

Farm mutuals in Ontario: This brief is presented on behalf of the members of the Ontario Mutual Insurance Association, commonly referred to as the farm mutuals or pure mutuals. There are 51 such mutuals operating in Ontario. Most of them have been in operation for over 100 years.

These companies are guided by boards of policyholder-directors, most of whom are farmers. Mutual companies do not have shareholders. The owners are the policyholders. Profits of the company's operations are kept as policyholder surplus, or can be refunded to the policyholders.

The farm mutual companies are provincially licensed and operate strictly in Ontario. They underwrite most lines of property and casualty insurance. Their market share is approximately 5% of the total property insurance market in Ontario and about 1.4% of the auto insurance market. In total, approximately 175,000 policyholders obtain insurance through farm mutual companies. We insure approximately 116,000 vehicles. Most of our insureds live in rural and small-town Ontario.

As purely mutual companies, we are charged with the responsibility of acting in the best interests of the consumers who own these companies. Simply stated, it is our belief that consumers want the safest possible environment in which to operate their vehicles.

The need for graduated licensing: The figures released by the Ontario government speak for themselves. In 1991, road collisions in Ontario injured over 90,000 people and resulted in over 11,000 deaths. Statistics show that collisions are the leading cause of death of young people in Ontario between the ages of 16 and 24.

There is an obvious, disproportionate number of young drivers dying on Ontario's roads. Although the age group of 16 to 24 represents only 16% of Ontario's driving population, this age group makes up close to one quarter of all drivers killed in collisions.

We also recognize that the government's statistics reveal that all new drivers, regardless of their age, have a much higher risk of having a collision than experienced drivers with two to five years of experience.

It is obvious that attention needs to be given to improving these statistics. We support the proposed concept of graduated licensing as a logical approach to the problem. Graduated licensing would help provide

new drivers with a safer learning environment in which to develop their driving skills. Experience is the best teacher, but that experience must be gained in a safe learning environment.

When compared to the existing system of licensing new drivers in Ontario, the proposed system of graduated licensing will allow for a longer, better controlled period during which new drivers can gain experience under safer conditions. It is encouraging to see the results of implementation of graduated licensing in all other jurisdictions: Maryland, a 10% reduction in the number of collisions; California, a 13% reduction; New Zealand, an 8% reduction.

What these figures do not tell us is the positive effect that graduated licensing would have on the reduction of the number of collisions involving older age groups resulting from good driving habits developed during the learning period. Nevertheless, the results are encouraging and support the concept.

1410

Now we would like to analyse the proposed model. While we are strongly in favour of the concept of graduated licensing, we'd like to give our analysis of the proposed model with recommendations for some improvements.

The first point would be the concept of two levels. We agree with the concept of a two-level system. It is logical to have more controls in the earlier stage, with the new driver graduating to a less controlled stage before earning the unrestricted licence.

The second point, the need to address special circumstances: To be workable, the system needs to be socially acceptable. We believe that the system must build in a mechanism for endorsements for cases of proven need, and we emphasize proven need. We are thinking of cases in outlying areas, cases involving issues of livelihood and earnings and special needs for mobility. Our specific concern is with respect to farming. We believe that there could be cases where exceptions would be warranted. These exceptions could be specific to certain constraints within level 1 and level 2, but should be dealt with on a specific-case basis with a strong requirement for proof of need.

Our third point, level 1 conditions:

—The entry requirements of age 16, medically fit, vision test and written test are appropriate.

—The minimum period of 12 months, reducing to eight months with successful completion of an approved driver education course, is appropriate, and it is appropriate to require the candidate to pass a road test before entering level 2. Naturally, minimum standards need to be in place for what constitutes an approved driver training course.

—The requirement for zero blood alcohol content is imperative. We strongly recommend that the model be

changed to require that the accompanying driver have zero blood alcohol content also.

—We believe that the accompanying driver should be required to be fully licensed for at least three years. This will ensure that the accompanying driver is at least age 20 and will have gained the required type of road experience that a young, learning driver needs to develop. Driving experience before becoming fully licensed should not be taken into account.

—The restriction from driving on 400 series highways and multilane urban expressways is reasonable. Collisions on these high-speed roadways result in the most severe accidents and require quick reaction to emergency situations, which inexperienced drivers are probably incapable of.

—The night driving curfew from midnight to 5 am is also a sensible measure.

—The use of a sign identifying the learning driver is a good method of indicating to other drivers that extra courtesy is in order.

—Limiting the number of passengers to the number of seatbelts in the vehicle is sensible and should be a requirement for every driving situation, not just under the graduated licensing system.

—The restriction limiting learning drivers to class G vehicles is appropriate. Larger vehicles or specialized vehicles requiring more expertise should be prohibited from use by a new driver at this stage.

Our fourth point of analysis, level 2 conditions:

—The requirement for zero blood alcohol content with level 2 is imperative.

—We do not agree that level 2 drivers should be able to carry as many passengers as the vehicle has seatbelts without further restriction. The level G-2 driver could have as little as eight months' driving experience at this point. Experience has shown that a young driver who has a number of peers in the vehicle could be significantly distracted. We believe that the requirement should be for no passengers during this stage unless the learning driver is accompanied by an experienced driver with at least three years of fully licensed driving experience and zero blood alcohol content.

—We agree with the restriction to only class G vehicles being carried through to level 2.

—We agree that a minimum period of 12 months for level 2 is appropriate.

—We agree that to obtain full licence privileges the level 2 driver must complete an advanced test of driving skills that focuses on their ability to recognize and take appropriate actions when presented with hazardous conditions.

The fifth point of analysis, licensing of motorcyclists:

—We agree with the concept of a two-stage model for licensing of new motorcycles. We recommend that

the minimum time period for level 1 be extended to 90 days as opposed to 60 days. A two-month period in level 1 is too short. The maximum time period for the level 1 licence should be 120 days instead of the recommended 90 days.

—We further recommend that there be a size restriction on motorcycles that new motorcyclists are allowed to operate, for example, displacement of 500 cc's limit.

—We agree with the requirement that the new motorcyclist pass a level 1 road test before advancing to level 2. We do not think this requirement should be waived in cases where a safety course has been completed. However, we do agree that the minimum period in level 2 could be reduced from 22 months to 18 months by successfully completing an approved motorcycle safety course. If the motorcyclist has completed level 1 and passed the entry test to level 2, there is some assurance that he or she has attained at least an acceptable level of experience.

—Zero blood alcohol level in both stages is imperative.

—It is appropriate to restrict the learning motorcyclist to no passengers in level 1 and we believe this restriction should be carried through to level 2.

—The restricted driving period of daylight hours is appropriate for level 1.

—The restriction to highways with speed limits posted at 80 kilometres per hour or less, unless no alternative route is available, is appropriate for level 1.

—We agree that before the motorcyclist is given full licence privileges, an advanced exit test is appropriate.

Enforcement issues related to the new system: There has not been a great amount of information put forth with respect to enforcement of the new system. We wish to make some general views known.

The question arises with respect to what will happen if a new driver violates any of the conditions of graduated licensing, for instance, having a blood alcohol content above zero, not being accompanied by an individual who has the required amount of driving experience etc. We believe that if this system is to be effective, enforcement must be strict. We believe that the entire level 1 and level 2 period must have been completed conviction-free and free of violation of any of the conditions before the fully unrestricted licence is granted. We believe that if, for example, violation of any of the conditions only resulted in a 30-day delay or some such minor consequence, the system will not be effective.

In conclusion, the Ontario Mutual Insurance Association has been a strong supporter of the concept of graduated licensing since the issue arose in various debates about auto insurance over the past several years.

First and foremost, graduated licensing is an important component of road safety which will prevent

needless injury, death and property damage. With respect to the debate over the cost of auto insurance, lower claims costs are reflected in premium levels. As an organization comprised of small community-oriented and policyholder-owned insurance companies, we can attest to the claims-cost, premium-level relationship.

It is obvious that graduated licensing is an improvement over the existing system of licensing new drivers in Ontario. We are confident that if this system is implemented, it will have a positive effect in reducing the number of automobile accidents involving new drivers. We believe that in the years following the implementation of graduated licensing, this system will result in a general improvement in driving habits of Ontario's drivers. The positive results will go beyond the new driver stage, as far as better driving habits will be carried by those drivers beyond their learning periods.

Mobility is an important social need for many people. We are confident that the new system could be structured to appropriately address special needs. We also believe that the public must weigh the cost of preventable injury and death against any inconvenience which this new and more comprehensive method of licensing new drivers might create. We must consider the rights of innocent victims who could be needlessly injured by inexperienced drivers.

We strongly encourage you to move ahead with the graduated licensing concept. We hope you will take into consideration our sincere concerns for change of the model which has been proposed.

1420

Mr Turnbull: Indeed, the most commonly quoted concern about the introduction of graduated licences has been the question of mobility of people in rural areas that are not served by proper transportation systems, so it's very useful that you're here representing predominantly rural drivers, admittedly from the insurance point of view.

You talked about exemptions. I was quite curious about the fact that you talked about exemptions under levels 1 and 2, because so far I didn't think people were really thinking in terms of level 1. Could you tell me what you have in mind in level 1?

Mr Glen Johnson: We haven't got this down to the minute details, but we know concerns have been expressed by farmers who might, for instance, require the son or daughter to follow the combine home at dusk or drive to and from an adjacent farm that's just too far to walk to, that sort of thing. Within level 1 is where that restriction is for the accompanying driver, and that's the sort of thing we're thinking about.

Mr Turnbull: Under the 365 licence at the moment, you need an accompanying driver too, and there are no exemptions. I'm not arguing that it may not be neces-

sary, but to the extent that at the moment we require an accompanying driver, would it seem reasonable to allow an exemption at day one?

Mr Perry: I think our thought was that, yes, you do, but many of these 16-year-old drivers can probably obtain their licence within four months, so they would be certainly much under the age of 17 before being able to drive unaccompanied.

I think there's some feeling too among the farm people who we represent that these people, the children who are raised on these farms do have some driving experience with vehicles like farm tractors and things like this. They're not exactly not used to driving. While we think that certainly it needs to be controlled and watched very closely, there may be some specific need where there could be some exemption for a younger driver.

Mr Turnbull: When we think of exemptions, two or three specifics emerge as questions. One is what exemptions would we give? Would it be a geographic limitation? Would it be for a period of the year, say in harvest time? Who would administer it? Do you see MTO administering it through the licence-issuing offices? Indeed, who would pay for it? To the extent governments today cannot afford any new expenditures, how would we pay for it? Would we have the people who were looking for these exemptions pay a fee for this exemption to administer it?

Part of the testimony we had was that in the US there's a system where if you can present a letter from an employer that you need it to travel to work, that would act as sufficient evidence. But I can see some real problems with that, inasmuch as everybody would get some fictitious or maybe not even fictitious employer to give them a letter, and it would be used at all times of the day for all circumstances. Perhaps you could comment on that.

Mr Perry: I would say, as to who's going to pay and these kinds of things, I think we're trying to point out a fairly general principle here. Certainly the issue needs a lot further study and a lot further development as to what would be fair and who would administer it and that type of thing.

It just seems that in any rule, if you try to make it universally applicable with absolutely no possibility for a special circumstance to be looked at, it may end up failing. Certainly as to coming down with hard rules, we're not here really to propose any of that today but to bring forward the concept that we think it's something which needs to be studied and there could be certainly some possibly warranted circumstances out there.

Mr Turnbull: To the extent that I would foresee exemptions as predominantly operating in rural areas, would you, as one of the principal carriers of insurance in rural areas, be prepared to administer it? You have a

strong vested interest in this, and you would in effect be approving that this person could be travelling within level 1, because you're the people who are presumably going to benefit. All of society benefits, I don't want that to sound wrong, but you benefit from a reduction in accidents and also you have a strong vested interest in making sure that the terms you set down for that exemption are adhered to.

Mr Glen Johnson: I think that certainly if it results in any extra claims cost, the insurance companies are picking up an added exposure, and that's why we would like to see it very closely controlled. But going back to the beginning of our brief, the farm mutuals are owned by the farmers in the community so we're speaking on their behalf as well.

It needs to be closely controlled, but we feel it could be built into the system somehow. As to who pays for it, I don't know if I can speak for farmers. These two fellows are actually farmers also, live in rural properties anyway, but I can't see that someone who wanted their son to have this exemption for a case of need would object strenuously to paying a reasonable cost for it.

The Vice-Chair: Thank you, Mr Turnbull. Mr Klopp, Mr Morrow and Mr Lessard, five minutes. Make them short.

Mr Klopp: Five minutes each? Wow.

The Vice-Chair: No, five minutes total.

Mr Klopp: Good afternoon. It's good to see you here. The issue about the farming: I'll maybe dwell on that a little bit more. I was hoping you had an idea. I've been playing around with this for almost three years now. We're talking about this and we've been talking about it at caucus and we've been talking to the ministry and not just even farmers—I live at Zurich and my job's in Bayfield. It's 14 miles. Maybe grandpa walked it but I don't know if he did it every day—the whole idea about this specific exemption.

I've actually thought about level 1 too. When I brought up it, someone said, "Oh, you haven't got a licence and you're going to give it in level 1?" I've been sitting here for two weeks now and thinking no. I think that you still have to go get a licence and go for a test. But it would be very much job-specific and all the other exemptions don't count, because I know full well that—I'm 16. If I get out of the curfew because I have this exemption after, I was thinking, maybe four or five months—you brought it out yourself.

Historically, if you really have a job when you turn 16, you really do try harder to get your licence, for the most part. Those statistics aren't out there but I do believe that people who really are at their job point of view, it isn't the accident that happens. It's Friday night or it's Saturday or it's even Monday night and you're taking the car from high school and you're driving home. I don't think any of us are talking about an

exemption of that type. We're talking about very job-specific.

I've got some ideas and I'm going to throw them out over the next couple of weeks. But if you do have any thoughts, we'll definitely probably bounce them off you, and I appreciate your coming in.

You did mention the second level. This is my question: The curfew is not on the second level the way we're proposing it now. To me it seems like the curfew should be left on for the second year, mostly for the young people in this world. Is there any thought to that, if the curfew part is kept on for the second year?

Mr Doug Little: I think the reason that we didn't consider leaving a curfew on is because of the way we have it worded, that they should be a responsible driver still accompanying that person—that gets away from the problem—or the fact that they should not be allowed to transport other people. The problem you always have with young people is that if you get a group of them out, one person on his own is a responsible driver. I have no problem with that. But he gets three, four or five of his friends in the car, that's when silly things happen. For that reason, we would like to see the restriction stay on that they are not allowed to take passengers with them. That curfew time then isn't as big a problem if the person is by himself or herself.

1430

Mr Mark Morrow (Wentworth East): This piece of legislation is a hot topic around my dinner table every night. I have a 15-year-old daughter who's turning 16 this March, so you can understand the idea of it. We keep talking about enforcement and she keeps telling me that kids are going to drive anyway; they'll just disobey it. Do you believe the enforcement should be beefed up at all, or what should be done with it?

Mr Perry: We certainly believe, yes, the enforcement has to be strict. The enforcement that's being talked about, as we said in our brief—the minor thing, you know, 30 days or demerit; something along this line—we don't think is strong enough. This thing is only going to work with strict enforcement. If it becomes a laugh, then it's just exactly what you say: The kids are going to be out driving anyway, so what the heck.

We're thinking something along the line that they start over again. You pick up a charge, whatever it is, you start over again. Your 12 months is just all of a sudden started again. Most of us can get through a couple of years with no demerits, I think, quite easily. We think these 16- and 17-year-olds can get through it, too. If they know they've just extended their time another year, they're probably going to want to be very careful. That's what we're trying to get at with this thing.

Mr Morrow: I would think so.

Mr Perry: Yes. We think, then, having had two years of that, when they turn 18 they will probably be in that mould, hopefully, and they're not all of a sudden going to go nuts at 18. They'll have trained themselves.

Mr Daigeler: Obviously, as you saw when I referred to the article that appeared in today's Citizen, we're all supportive of this concept and all of us have been calling for this for quite some time, actually. If there's one criticism that we have, it's why did it take that long to come to this point.

I presume you, as the other insurance companies, have a policy that says if you're in violation of the laws of the province then you're not covered by the insurance. Do you have that as well?

Mr Perry: Yes. The standard automobile policy applies to everyone. We write under the owners policy form, OPF, just like everybody else, so whatever the rules are, it's the same for all of us.

Mr Daigeler: I'm just wondering whether you will be making or are making any special effort to let the young people know that as well. I know they're covered for the collision, the second party, but they themselves, for their cars and so on, will not be covered. I think that also is something the people should know and understand more. If they're in violation of any of these things, they're not covered by insurance.

Mr Perry: I would certainly think an excellent place to get this information out is in the examination courses they must write in order to get their licence in the first place. Starting off, a young person, that should be part of his education program.

Mr Daigeler: What I was thinking, frankly, was that when you send out your renewal notices and so on, you might consider adding this as a little reminder to people, "Listen, if you don't drive the way you should, you're not covered." Frankly, until I saw that in the documentation, it hadn't really sunk in with me that was the case. I think it really hit home with me. I think that would be an easy way, like they do with Bell telephone and so on; they put all kinds of notices in there.

Mr Perry: I don't think the insurance industry is willing to create any traps. I think once the system is defined, it will be well promoted.

Mr Daigeler: I do want to come back to this possible exemption for the rural riders. I'm sure Mr Conway would like to see that as well because he's been arguing for this as well. In your opinion, how much of a burden would it really be for the rural driver if he or she has to wait the eight months under the current system and if there were no exceptions? Is it really that dramatic?

Mr Glen Johnson: I think we're mostly thinking of farmers when we're talking about it. There could be other social needs other than that, but—

Mr Daigeler: But even for farmers, how much of an

imposition is to wait another eight months?

Mr Glen Johnson: The difference between the current 60 days and the eight months in the new system could take you through a whole summer, for instance.

Mr Daigeler: The crop season.

Mr Glen Johnson: Yes, the crop season. That's probably the main concern. It would be one year longer before that son or daughter could run those errands, that type of thing.

Mr Daigeler: You were saying this is still a very common occurrence.

Mr Glen Johnson: I think it would be a common occurrence for a son to have to go to another farm to perhaps spell his dad off on the combine. I shouldn't say son—son or daughter. Yes, it's common.

The Vice-Chair: Mr Conway, briefly, one minute.

Mr Conway: I'll pass.

Mr Daigeler: Could I then ask a question? Actually, it's not addressed to you, but to the parliamentary assistant. We haven't really touched on that at all, how the ministry is preparing, with regard to its staff, for the additional workload because there are going to be two tests now instead of just one. What is happening? How is the ministry planning to cope with this additional workload that will be coming? It's not only another extra test, but also the second test is going to be much more elaborate than even the one we have at the present time.

Mr Turnbull: All the people they hired for auto insurance said they are going to work on that.

Mr Dadamo: Should we get a response from Mr Hughes? Actually, I'm surprised it hasn't come up before this point, or would you like it in written form?

Mr Daigeler: Both, probably.

Mr Dadamo: Would you be satisfied with a verbal?

Mr Daigeler: Both would be useful. First of all, verbal and then—

Mr Dadamo: Okay, because he's here and he's agreed to answer that.

Mr Hughes: The policy submission that's gone forward has costed for additional driver examiners and it has also included a provision for setting the fees for driver examinations at a level which will make the whole proposal cost recoverable and user pay.

Mr Daigeler: I do want this in writing.

Mr Dadamo: Okay, then you shall have it in writing.

Mr Glen Johnson: Can I make one brief comment? I just want to emphasize that we are strong supporters of graduated licensing and these are constructive criticisms that we feel will improve it, but we want to see it through one way or another.

The Vice-Chair: Mr Johnson, Mr Perry and Mr

Little, on behalf of this committee, I'd like to thank you for taking the time out and giving us your presentation today.

JEREMY RILEY

The Vice-Chair: I'd like to call forward our next presenter, Jeremy Riley. Please come forward. Good afternoon. Just a reminder that you'll be allowed up to a half-hour for your presentation and the committee would appreciate it if you'd leave a little time for questions and comments. As soon as you're comfortable, could you please identify yourself for the record and then proceed.

Mr Jeremy Riley: I'm Jeremy Riley. I was drawn to your committee because I've spent a number of years, about 25 years, in the education business and it seems to me that while I think graduated licences are a very good idea, I think the idea of having people take a sober second look at the way they drive and have a long range of experience is a good thing. I'm concerned that perhaps you haven't stepped far enough back from the driving process and you aren't looking at a large enough group of drivers as people who need to have testing and training.

I thought I would focus on that point rather than on some of the other things that people with much more knowledge of the actual machinery of ensuring and controlling drivers have addressed much more thoroughly than I will. What I've put together is a summary of the points I'm going to make in a one-page typical educator fashion, a one-page summary which you can follow as I read through what I'm going to say.

It seems to me that your proposal for graduated licences addresses only a small portion of the problems that we have with driving and drivers. I think perhaps we should aim at improving all driving done on our roads. In order to do this, I think driver training and examination needs to be much more demanding. In addition, I think existing drivers should be tested at regular and irregular intervals in their driving careers. I'll come back to that in a minute.

1440

It seems to me that the intent of the graduated licence is to respond to some of the political fallout caused by teenage collisions late at night and often with alcohol involved. What follows are a few thoughts on a way in which everyone might win in an attempt to have better driving on the roads of the province.

One of the issues you have to address is, do you want to reduce the carnage on the highway to an acceptable level, or do you want to stop it altogether? There's a clear political problem that the graduated licence is trying to address, and it's the larger problem that I'm trying to come to.

Many drivers now are more or less petty scofflaws. They speed; they follow too closely; they cut danger-

ously through slow traffic; many drivers are competitive and have unforgiving attitudes that contribute to collisions. All of these things contribute to the bad climate of driving, and coupled with the huge increase of cars and drivers registered in Ontario between 1980 and 1990, contribute to a terrible overload on the road system.

The roads, as you know, didn't develop at the same rate as the number of drivers. The number of drivers increased by 50% in that decade. It seems to me that what you have is less road space for a vehicle to enter in an emergency. This, in turn, requires a greater level of attentiveness on the part of the driver.

The central question is whether the province wants to have all drivers drive according to the law or whether the political cost of such adherence and supervision would be too high, with the population up in arms complaining about Big Brotherism. Nevertheless, the cost of the controls and the tests is likely to be lower than the current cost in lives and damages.

If the intention of the provincial government is to attack the current level of driving skill and personal attitude displayed by drivers in Ontario, the problem should be attacked at its root. This attack could profitably start with the currently licensed driving population, but politically it would probably best start with the person who wishes to become a driver and to use the natural gatekeeping device of a combination of training and testing to prevent from driving those persons who wish to drive but fail, like so many of our fellow drivers, to show the best and safest attitudes and procedures. The idea of a graduated licence is excellent, but attaches to so few drivers overall. Why not address the whole body of drivers?

With the use of technological police aid, we can stop the carnage and release police from the roads for other police work. We certainly have the technical ability to ensure that drivers follow all our highway rules, without the use of extensive funds or even human police resources. These can be replaced by the computer and sensors and cameras. For example, the use of a split-image camera already is catching speeders with a composite image of their licence, their speed and a picture of the driver as well, in some instances.

With sensors the driver can be followed through such activities as following too closely, switching lanes through slower moving traffic and other moving traffic offences. As well, the sensor in the car puts an additional benefit on the insurance game by being able to discourage theft. If you can find the car very quickly after it's been stolen by tracking the sensor number, it's really of no profit to steal it.

So the questions are, what laws do we really want obeyed, how well do we want them obeyed and then, of course, what penalties will be charged for disobedience?

My third point: A driving test of greater complexity is required. It must test both crisis response and psychological attitude, in addition to the rules and regulations of the road. The Ministry of Transportation's current tests don't seem to quantify the skill level of the potential driver. It would be useful to test the driver for physical abilities, crisis response and attitude as well.

The purpose of the test is to act, again, as a gatekeeper, keeping off the road those drivers who are unable or unwilling to adjust to the needs of the crowded roads of Ontario. This test should replicate the conditions of the road as accurately as possible while limiting the time and cost of administration. This can be effectively accomplished by a computer process. The physical test can be part of a physical examination and can be performed by a physician who normally attends the driver.

The current test does little to indicate that the future driver is prepared to meet the difficult driving conditions of the real world. A test that incorporates examining some of the psychological attitudes of the potential driver would be beneficial. There are areas of aggressivity that can easily lead to disaster in a car. As well, a test that examines the reflex actions of drivers in a crisis would be instructive.

As recently as 10 years ago, the driving test of the Ministry of Transportation was becoming increasingly out of date compared with the real needs of the driving public, as it sank through inadequacy towards dangerousness. The level of dangerousness has now been reached. It's actually dangerous, I think, both to the new driver and existing road-using population, for a new driver who has passed the current road test to be released on to the highways and roads of Ontario.

Existing drivers as well as future drivers should be tested at both regular and irregular intervals in their driving careers. A while ago a new driver went on the road with a view that was shared by other existing and new road users, that experience was as good a teacher as any other. This has become increasingly untrue, as the roads have become more congested and the attitude of the driver more impatient and unforgiving. However, the view of the public has not changed to reflect the evidence of the statistics about crashes and the increasing evidence that a driver can be largely trained before getting on the roads of the province.

Training does work. The first time a pilot flies a large airliner, the plane carries a passenger payload. The idea of continuous testing for drivers, as for the pilots of aircraft, seems to be reasonable and demonstrates an interest in safety. The pilot must sit for regular retests of his skills. This continuous testing should be even more obviously needed for competent instructors in any field, even driving.

The testing of drivers should be regular, for example, every five years. It should also be random, like a

lottery, with the results combined with crash data and analysed by actuaries to ensure that the regular tests are adequately frequent and that they test appropriate skills and attitudes. Statistics should be kept that reflect the behaviour of drivers before collisions as well as through collisions so that we come closer and closer to the point of understanding what causes accidents, as we call them, crashes on the roads.

Training has a proven ability to improve the techniques and attitudes of drivers now on or about to come on to the roads. In general, training is likely to be necessary to prepare all new drivers to take their place on the roads of Ontario. However, should an untrained driver wish to take the test, it should be rigorous enough to ensure that those who pass the test, with or without training, can be sure that they are competent drivers.

Only effective training will accomplish better driving. Courses and trainers should be certified and re-examined by the provincial authorities in an effective and meaningful way. A good way to evaluate a course is to compare the results of students from that course with those who come from other courses. In addition, the students' results should be compared to some objective standard. There are a number of standard statistical techniques for doing both of these.

Human beings change over time and teachers are not immune from these human changes. Tests of trainers should include a wide range of physical, psychological and technical tests with a lot of discussion of the results with the trainer by the administrator of the test. The intention of these tests is to signal to the trainer areas of change from earlier examinations that, while still indicating adequacy, are pointing to future failure. That's an attitude of testing that I commend to you because it involves the testee in improving the future results.

The training of drivers is essential, and this training should be provided by instructors who are themselves trained exemplars of the proper attitudes and methods used in driving. The training and licensing of instructors should be of primary importance in the drive to improve driving in Ontario—sorry about that.

I do not know what training is demanded by the province, nor what percentage in what test is required to become a driving instructor, nor with what frequency a retest is administered to instructors to maintain their qualifications, but I'm sure that you have this in mind, that some process is intended.

The graduated licence will contribute to the perception by teenagers that the citizens of Ontario take seriously the prohibition of drinking and driving, I think. The purpose of the proposed graduated licence is to limit the new driver to situations where he usually, but also she, can avoid the dangers of the frequently tragic combination of drinking and driving when the driver is new to and ignorant of both. I regret to say

that this appears to be a Band-Aid on the problem of bad driving leading to crashes. It's a useful Band-Aid but it doesn't cover a wide enough group, is what I'm effectively saying.

1450

I think that driving is a skill that requires a combination of talents and abilities, many of which increase with practice. Some, however, do not, and people are not all able to decide among alternatives both rapidly and safely. For many, the decision-speeds, both on the highway and even on the high street, are such that driving is for them a very stressful occupation. Training that includes freeway, highway and city street practices and the theory that underlies those practices is the most useful beginning to a driving process. If this is followed by a rigorous test of the competencies learned, the new driver has a better preparation than any prohibition would provide, in my view.

Mr Dadamo: I just want to draw your attention to point 3. You know you're not the first one to come before us and talk about the complexity of the driving test and how it should be strengthened a little bit or maybe made a little bit tougher, I'd say. What do you think? Where does it lack at this point? How much do you need to know when you go out on the road and take this test?

Mr Riley: I think that one of the things you need to know is that the person's eyes have been tested. My understanding is that about 10% of those people who come for the test actually get asked to read a piece of a chart. Everybody gets marked as though they had 20/20 vision even so. From hearing children talk, generally, I perceive from a distance that the test is regarded as a joke. If you want it not to be regarded as a joke, it has only not to be a joke.

Mr Dadamo: So you and I come from an era that—I think you've taken the same kind of test that I took almost 25 years ago that I guess wasn't tough enough then. It sort of has stayed the same.

Mr Riley: Well, it was tough enough then because in fact your experience time on the highway was such—you had so much space on the highway. There were so few cars. The roads were so big and lovely. Now the roads are the same size and there are a lot more cars on them. I think that's the central problem, that your reaction time has shrunk. It used to be that you had lots of room for making a mistake because people were forgiving. They were kind. They said, "Oh, well, what an idiot," but they didn't run into you. Now they have no place to go so they run into you and they curse you far more energetically.

Ms Haeck: Thank you very much for a stimulating presentation, and I think we all find many parts with which to concur. I'd like to follow up on your comment on the random testing, an interesting idea. I'm realizing that it's been a few years since I have gone through—

Mr Jackson: Give us a number.

Ms Haeck: It was 1972, actually.

Mr Jackson: Everybody else—

Ms Haeck: It was 1972 and I was 23 at the time, so you can do your calculations.

Mr Riley: Are you sure you can do it?

Ms Haeck: I'm 45, just to make it simple. In any case—

Mr Jackson: Math's not my problem.

Ms Haeck: The fact of the matter is that one of the things that has been problematic is whether or not to have everybody who all of sudden reaches the glorious age of 45 come in and do their test, or what we're basically requiring, folks who have reached the age of 80 to do one, that they are to be tested on a more regular basis. In your mind, is it just a matter of pulling names out of a hat or a lottery system that this day you won and that day you didn't?

Mr Riley: No, the purpose would be to have a double check. You have a standard: Every five years, say, everybody goes through it. So you're picking constantly at the drivers and saying, "We expect you to maintain a standard of driving; if you don't think you can, you can go to X driving school or any driving school you care to name and get a refresher course," because we want to make sure—it seems to me that the ideal aim is to not have to have policemen down the street picking out people who make a left turn illegally. They should say to themselves, "Jeez, if I make a left turn, I'm going to get a three-point offence here." They should think about it before they do it and not say, "Oh, look, I got caught," after.

Mr Jackson: A lot of people don't know it's a three-point offence.

Mr Riley: Well, I can't help that.

Mr Jackson: Well, you should. You're an educator.

Mr Riley: Ignorance is not a fault of education.

The Vice-Chair: Thank you, Ms Haeck.

Ms Haeck: Jeez, and I thought I could even get a supplementary in here.

Mr Jackson: I got it in for you.

Ms Haeck: Thank you. It wasn't exactly what I wanted, though.

Mr Daigeler: Thank you very much for your presentation. I think you're describing a society that frankly I'm not sure I really would want to live in. I mean, it's probably a safer one.

Mr Riley: I know. Bear in mind that I'm asking a question, not describing the society.

Mr Daigeler: With the tests and with the psychological examinations that you're suggesting at rather frequent intervals in our lives, while I understand the objective, and it's a very praiseworthy one, we're not

doing this kind of thing in any other situation. I could just see the same principle being applied for many other situations, all of which I think we would want to avoid.

Mr Riley: It's being done increasingly in industrial settings.

Mr Daigeler: As a society, we are accepting—

Mr Riley: —of some failings.

Mr Daigeler: Yes.

Mr Riley: Sure, that's fine. That's no problem. You can set it up so that you accept the failings to any degree you want. You say: "Okay, you would be allowed to travel through traffic. Because you're going between Collingwood on a daily basis, you're going to drive in a different way from the person who gets on the Collingwood road once in a blue moon and is overwhelmed by the traffic."

Maybe you're prepared to accept a number of different approaches. You might say, "Well, we charge more for people who drive at a higher speed for road travel," just as simple as that. If you want to travel at 180, it's more.

Mr Daigeler: I can see that the free-for-all we have now—you take a driving test once in your life and you never have to do it again unless there are special circumstances—is very open-minded, but I don't think we've reached the stage yet to really move aggressively in the area you're proposing, particularly the one that worries me the most, where you're saying to test psychological attitudes. Again, I think you're probably right that it's the key to people's driving behaviour, but it's the key in people's behaviour generally. When we come as government to start testing people's attitudes—

Mr Riley: Yes, it's very Big Brotherly, I agree. But your problem is that if you care about the people who aren't driving badly—you're talking about 2% or 1% or less of the population that is involved in accidents on an annual basis; it's a very small percentage.

Mr Daigeler: It's 4%.

Mr Riley: It's 4% of drivers? All right. Of those, half are ticketed, presumably, so the other half was there by circumstances. For them it really is an accident in most cases. That's the sort of thing. Then what you're saying is that you'd rather rid the roads of the people who are driving badly after the fact than before, because that's just the nature of the society. I have no problem with that. I agree with you; I think that is the nature of the society.

Mr Turnbull: Continuing in the same line of questioning, in terms of testing people for crisis response and psychological attitude, obviously this is one of those touchie-feelie things. Where do you go over the line where you start being Big Brother and what do you do in terms of how far you carry this process? How far do you see this process evolving?

Mr Riley: It depends on how you do it. If, for example, I sat you in front of a computer and I said to you, "All right, you're going to drive this car"—you're sitting at the wheel of the car and you're driving along—what you see on the computer screen is the road in front of you, on which there is sometimes traffic and sometimes not. As you see the traffic in front of you and as you see the traffic in a rear-view mirror that might also be part of this process, you're expected to react to the traffic around you. By your reaction, you create and contribute to the situations that may or may not cause hazards around you.

For example, if you're talking about an hour's test, it's clearly uneconomical to do that with humans. At some point you're going to have to get computers. You're sitting there for an hour. You can probably fool almost anybody, including a pretty well-trained examiner, for 20, 30, 40 minutes. After that, you can't; you just can't. It's not possible. You can't maintain the concentration for much longer than that.

You're driving along and you decide that the traffic is getting heavy and it's boring and your foot's flying from one pedal to the other, you're driving too close behind and suddenly the person in front of you stops and you hit him. That demonstrates two things: It demonstrates that you were too close and it demonstrates an attitude problem. Is that a psychological test?
1500

Mr Turnbull: How realistic would it be to introduce that type of simulation today, and what would the costs involved be?

Mr Riley: The costs for the first one would be in the order of \$3 million. You just happened to ask me.

Mr Turnbull: And for the whole system?

Mr Riley: The cost for each subsequent one would be in the order of \$30,000 is my guess.

Mr Turnbull: Very much numbers which realistically you could recapture by charging user fees to that extent.

Mr Riley: Yes. I think you could recover your costs without a lot of trouble, and if you put up the money for the deal, you could probably sell it to a variety of other jurisdictions.

Mr Turnbull: Yes. Is there anybody doing anything like this at the moment?

Mr Riley: Not with cars, but with computer-aided engineering and others do it with airplanes. It's never been economic with cars, but this is making it economic, I think.

Mr Turnbull: There have been a certain number of licence-issuing officers across the province who are concerned that they're going to lose their livelihood because the province is experimenting with automats to dispense with the licence. Now you're talking about retesting of people. It would seem that a logical first

step would be that when we go to apply for our licence, we should go to a licence-issuing office and at least take an eye test while we're getting it.

Mr Riley: I think in fact what you should be expected to do is produce a certificate from a doctor that says you're in good health, or maybe you're not in good health and you have this eye problem, like I do, or you have whatever you have. You need to drive only with your left hand or one eye is blind or you're deaf in your right ear, whatever it is. That information should be available and should be recorded on your driver's licence or at least in the information that is behind it.

Mr Turnbull: Can I ask what your field of expertise is, because I suspect we're into your field of expertise.

Mr Riley: Yes, I think we probably are. I've spent probably 25 years in a combination of computers and education. I'm quite interested in how the computer works in terms of making life easier for people around them. It's probably even more difficult than perhaps Mr Daigeler has suggested.

The Vice-Chair: Mr Riley, on behalf of this committee, I'd like to thank you for taking the time out and giving us your presentation today.

Mr Riley: It's a great pleasure.

ONTARIO MEDICAL ASSOCIATION
ONTARIO CORONERS' ASSOCIATION

The Vice-Chair: I'd like to call forward our next presenters from the Ontario Medical Association. Would you please come forward. Good afternoon. Just a reminder that you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd keep your remarks somewhat briefer to allow time for questions and comments from each of the caucus members. Would you please identify yourselves for the record and then proceed.

Dr Rocco Gerace: Rocco Gerace.

Dr Kevin Flynn: My name is Kevin Flynn. I'm also representing the Ontario Coroners' Association today.

Dr Ted Boadway: I'm Ted Boadway, the director of health policy for the Ontario Medical Association.

Dr Gerace: Perhaps I'll start. Firstly, I'd like to thank the committee for hearing our presentation. We feel that this is a very important issue.

At the OMA, I am the chairman of the committee on accidental injuries. In that role, we look at injuries and methods of preventing and treating injuries which might occur. In my professional life, I'm an emergency physician and a member of the trauma program at Victoria Hospital in London. In my professional life, I am responsible for the care of trauma victims and have been treating trauma for many years.

More importantly, we have seen that trauma is, for the most part in our society, the result of motor vehicle collisions. Unfortunately, the collisions that occur, occur

disproportionately among young and new drivers. We've all heard the statistics that although 16% of drivers are in the 16 to 24 age bracket, they represent 25% of the fatalities that occur.

We often think about serious disease. I'm sure most of you know that heart disease and cancer are the two leading causes of death, but because trauma is a disease of the young, although ranking high as a cause of death, it is indeed the leading cause of lost life years. We think that trauma is an important disease and we now have an opportunity and are pleased to be able to comment on the opportunity to impact positively on these trauma-related statistics.

We've heard good evidence that graduated licensing works. It has been implemented in New Zealand, where there's been a 13% reduction in fatalities associated with motor vehicle collisions among new drivers. In most of the documentation that we hear about, we hear about fatality statistics. These are really incomplete in terms of describing the problem, the tip of the iceberg. For every death that occurs in a motor vehicle collision, there are at least 60 to 70 hospital admissions; for each death that occurs, there are probably 200 victims of trauma who seek medical care. The problem does extend far more widely than death statistics will indicate.

Clearly, the ability of graduated licensing to reduce the number of injuries and the number of deaths could be seen by us in the medical field as a very positive public health initiative. I think we have now an opportunity to improve the health of our patients and the health of your constituents by implementing this program.

We've heard about costs. I think the financial impact of this program cannot be minimized. We have from the Ontario trauma registry data the fact that an acute hospitalization, secondary to trauma, costs in the range of \$15,000. This does not include the number of costs associated with long-term care and ongoing problems. Based on numbers presented to you earlier by Dr Jim Young from the coroner's office, we can speculate that the cost of trauma in the young is somewhere in the range of \$250 million a year. Therefore, we not only have an opportunity of improving health, we also have an opportunity of saving money while we do so.

As I'm sure you've all gathered, the OMA supports strongly the principle of graduated licensing and would like to express that support here today. We do have some concerns regarding some of the details of the program, and Dr Kevin Flynn, who's both a family doctor and a coroner, as he indicated, representing the Ontario Coroners' Association, will address some of those concerns.

Dr Flynn: I am also a member of Dr Gerace's committee at the Ontario Medical Association. I have been an active coroner for 21 years and in that time

have been responsible for guiding a number of highway-related inquests through the system, resulting in many recommendations in the direction of promoting graduated licensing systems and have been in regular contact with officials of the ministry regarding those. Coroner's inquests, as most of you probably know, function in a somewhat similar fashion as a public inquiry, with the exception that there are five jurors representing the community, and evidence, of course, is taken under oath.

I would like to present to you three scenarios and then perhaps indicate what areas we have some concerns over in the proposed legislation.

At 5:30 in the morning of August 17 two years ago, a 16-year-old named Adam Sadler from the community of Parkhill near London, Ontario, died at the side of Highway 403 in Mississauga after driving a pickup truck all the way from Cornwall, having left there around midnight. The vehicle became airborne and struck the undersurface of an overpass. He was the holder of a learner's permit and had failed two driving tests. Notwithstanding his two failed attempts, he had persuaded his parents that he held a valid permit and had been known to make previous long-distance trips with the same vehicle.

The jury at that inquest recommended urgent action on legislation to introduce a graduated licensing system, which was about the time the publication *New to the Road* was released.

The second scenario involves a 16-year-old girl from Milton, Ontario, who was one of four rear-seat passengers, none of whom were wearing seatbelts. She was killed by being thrown from a car which lost control while overtaking a friend's car at 110 kilometres per hour on a side road, also in 1991. The driver of this car was a 17-year-old learner, a girl, while another 17-year-old girl operated the gear shift, the clutch, the accelerator and the brakes.

They were on their way home from a swimming and drinking party at the end of the school year. The original driver of that vehicle had decided not to drive because she had had something to drink. The judge at the hearing—this was not the subject of an inquest; it was the subject of a hearing—ruled that they were guilty of youthful errors of judgement and sentenced them to some hours of community service.

1510

In 1991 also—that was a bad year—a car driven by a 16-year-old with five passengers at excessive speed was driving over a rural side road in Halton county for the purposes of catching air. I'm sure most of you will know what that expression entails. It means that you're driving on a roller coaster in order to get four wheels off the road at the same time. This vehicle lost control and the four passengers were trapped in the rear seat and all four died of burns.

In the course of an inquest into a number of fatalities on Highway 403 last year, I had a review of 26 fatalities on one stretch of the Mississauga portion of Highway 403. This review indicated that 10 out of the 25 drivers involved in those fatalities had five years or less driving experience. All were either impaired or inattentive. Four of those drivers, all under the age of 25, had no licence and never had a licence. This latter group is a source of great concern to coroners, and we need assurance that the restrictions imposed by the graduated licensing system do not result in more unlicensed drivers on the highway. In fact, I think this is a real danger which might not have been considered. Accordingly, we need to see increased penalties under the Criminal Code for those who drive illegally, either while under suspension or never having held a licence.

A review of fatal collisions in Ontario involving three or more fatalities shows a high correlation between driver age and these collisions. The findings of this review will be presented in more detail at an inquest commencing on Monday of next week into the deaths of eight young people killed at about midnight on May 9 in Caledon, an inquest over which I will preside.

This collision followed a field party and again involved most of the main features in the proposed graduated licensing system. The jurors at that inquest will hear also statements from the families of the eight victims on how this tragedy affected them as individuals and also from the families of the incident in Halton region in 1991.

The coroners in Ontario rejoice in the proposed legislation. We are very supportive of the legislation. We have a few concerns on the proposals. The accompanying driver, who is allowed a 0.05 milligram content, we feel should also have 0% blood alcohol. The purpose of the accompanying driver, one would assume, is not only to supervise the learner driver, but also to be able to take control of the vehicle in the event of an untoward incident. We feel that the restriction should apply at both levels of the graduated system.

In regard to the number of passengers, we feel that one passenger only should be allowed in the front of the vehicle and that the remainder should be no more than the number of seatbelts provided as original equipment.

We do not believe there should be exemptions either in regard to the hours between midnight and 5 am or in regard to the use of expressways or designated highways.

In regard to the problem posed by immigrant drivers, and by immigrant drivers we would include drivers who come to Ontario from other parts of Canada or the United States, who bring with them driving experience in other jurisdictions, we feel that those drivers should have to provide proof of experience and also be subjected to the advanced test, not the basic test.

These are the basic questions which we raise concerning the proposals. We believe that the system will create a pool of better behaved drivers who will also graduate into being more responsible citizens of Ontario.

Mr Conway: Thank you, gentlemen, for a very excellent presentation. Just some quick questions: Did I understand you, Dr Flynn, to say that you did not believe there should be any exemptions from the prohibitions that are included in the proposal around the 400 series highways? In other words, you accept the government proposal.

Dr Flynn: Yes.

Mr Conway: A second question: In that incident involving the young fellow from Parkhill who was driving from Cornwall, did I understand your information to indicate that this was a young person, 16 or 17 years of age, who had just a beginner's permit, had failed—

Dr Flynn: He had a 365 permit.

Mr Conway: Right, but he failed—

Dr Flynn: He failed two subsequent driving tests, two different locations.

Mr Conway: Presumably, his parents knew this.

Dr Flynn: His parents were led to believe that he did have a valid licence. I'm not suggesting that parents always take the steps of confirming that their teenager does in fact have a valid licence. This is something which did cause them concern.

Mr Conway: That's one thing, but it strikes one that it's one thing to bamboozle your parents about whether or not you've got a valid licence; it's another thing to be running around across the province. I'm just trying to imagine this—

Dr Flynn: Very briefly, the situation is that he spent the summer working with his father on a construction site away from home, was staying with his father and was allowed to drive a company vehicle on the site. It was that vehicle which he had taken on company business to deliver goods for the company.

Mr Conway: I just raise that because it reminds me of parents who come to the school at 14 to complain about the fact that their kids can't read and write. I hear these stories occasionally and I think, "Well, how is it that your children got to age 14?"—

Dr Flynn: Well, we repeatedly see parents who are not aware that their teenaged son or daughter has been suspended.

Mr Conway: Dr Young was here last week and he, I think, really stunned the committee. He really gave us some very upsetting data.

I've got his submission in front of me. When I look at his chart, which talks about fatalities in Ontario on Ontario roads, 1980 to 1990, with a blood alcohol content of over 0.08%, the trend line is good in both

cases. He's separated out the 16- to 19-year-olds, and the rate dropped in 1980 from 46.6 to 1990, 10 years later, to 17.9. So it's a very significant decrease. Then you look at the 20- to 25-year-olds, and you see that the decrease is much less. It's 55.3 in 1980; 39.4 in 1990. The suggestion in those data is certainly that young people, when they become legally able to drink at age 19, are pursuing some behaviour with respect to automobiles that is still quite worrisome.

Have you any suggestions as to what we might do reasonably around the fact that a surprising number of young people between the ages of 19 and 23 or 24, are still behaving in ways that are quite worrisome, according to Dr Young's data?

Dr Flynn: I'm sure a lot of this is the peer atmosphere, the availability of alcohol at so many outlets, at sporting activities, get-togethers such as field parties and bush parties. I must confess that prior to the incident in Caledon I had never heard of a bush party, but I've learned a lot more about bush parties in the last three or four months, and I understand that they are quite the thing in most parts of the province. You can call them field parties, bush parties or anything you like, but they are still gatherings of young people in that same age group in the post-high school or late high school age. Many of them come back at the end of the school year to catch up with their buddies, two or three years later, and that is a get-together where alcohol is a necessary ingredient.

Mr Jackson: The primary activity.

Dr Flynn: It's the primary activity. Of course it is, and that is just, I think, if you want to take that as a cross-section of the type of activity which those young people are involved in, where alcohol is a necessary ingredient, whether it's in a vehicle or in any other atmosphere where a number of them will gather. Unless they're very unusual people, alcohol will be a feature. The fact that they happen to be in a motor vehicle is just part of the scenario.

1520

Dr Boadway: Mr Conway, to directly address your question, I don't think you can approach your problem, which is very real, through this system. But as a separate issue, the whole issue of how you convince people that they should not drive while impaired is a complex one which includes the feeling of certainty that they may well get caught if they do so. That's one of the psychological impacts it's important to have. As long as people feel an aura of safety—I'm not talking about personal safety about getting drunk; I'm talking about personal safety with the authorities—then they continue with irresponsible behaviour.

Mr Conway: When I look at those data, I say to myself, why wouldn't we consider a policy that says there will be a zero blood alcohol tolerance for everyone up until they're 23 years of age and any breach of

that is going to bring a very serious consequence? Because we look at Dr Young's data and it's quite clear that for a whole series of cultural reasons, we've got a lot of young people who just don't get the message and are prepared to run risks. Apparently, when they get away to college and university, they are as bad as or worse than they are when they're at home.

Dr Boadway: Mr Conway, it would be fair to say that that's a thought we're prepared to consider. We have not given that thoughtful consideration at this moment so our advice to you wouldn't be very good.

Dr Gerace: Just to add, one of the things to consider in the legislation is that, if you'll recall, we've requested that the accompanying driver who will have years of experience have zero blood alcohol. I think if we add the time where an accompanying driver will have to be with the novice driver, his years of experience, we will be getting, given that someone starts at 16, up into an accompanying driver who may be 20 and above who will have to have zero blood alcohol concentration. All of these, I think, will contribute to learning a certain behaviour while behind the wheel. But the whole issue, I think, is, as Ted has suggested, beyond the realm of this discussion.

Mr Jackson: Very briefly, because my colleague Mr Turnbull, our Transportation critic, has several questions, as the seniors' advocate, I also want to invite your expertise with respect to the other end of the spectrum of licensing as it relates to seniors. It strikes me that if our system is to be more responsible of licensing at the front end, it should be equally more sensitized at the other end.

I know that the optometrists and the physicians who take care of people's eyes in this province have lobbied strongly and hard for a differentiated licensing system or modifications to licensing for senior citizens, wherein there's a greater level of involvement with the physician, other than simply the system we have now. Could I get some comment from you for the record, because as this committee is able to consider matters around the Highway Traffic Act and licensing, we may have the capacity to make recommendations to the government on seniors' licensing.

In particular, perhaps I may, without leading you, suggest that matters of curfew, age, years of experience, driving record, diminishing vision strength with nighttime, weekend, distancing etc.—there's a whole series of recommendations floating around and other jurisdictions that have reacted very sensitively to seniors. Could you, for the record, give us some input? I know you have a committee within your own organization that's looked at it, but it's an area that I believe this committee should pass some comment on, because we are hearing from seniors who feel frightened, intimidated and quite concerned about licensing as it relates to them and their rights in this province.

Dr Flynn: Night vision is singled out in your comments as one area where I think there is a great deal of work to be done, not only in seniors but also in other members of the population. I'm not sure that the ministry has the technology on a generally available level to test for night vision, but it is becoming more visible in the literature in regard to highway safety that some people don't realize they are night blind until they are involved in an accident. I think that is certainly an area which will require further work.

The other areas in regard to their ability to drive with certain medical conditions I think would tend to apply more to the older driver, those approaching 80, where various insurance companies in the past have required medical reports on the driver for insurance reasons. There may well be instances where physicians should be reporting as medically unfit not only senior drivers but other drivers, but particularly in regard to the constituency that you are concerned with. Senior drivers would feel threatened if physicians were ever to report all of the cases which they should report.

Mr Jackson: I deeply appreciate your candour because I know that's going on, and it's a difficult issue for your association. I'd like to yield to my colleague.

Mr Turnbull: I would say that many of your recommendations have already been made by many other people who have presented to this committee; for example, zero blood alcohol in the accompanying driver. However, you did mention the fact that nothing we do in implementing graduated licences should encourage people to drive without a licence, and of course that is always the danger, that we overlegislate. I wonder what you would do in terms of the attitudes of young people to ensure that this is not the case.

Dr Flynn: In anticipation of that very question, this morning I telephoned one of my contacts at Peel Regional Police and asked what their experience is and what the penalties are for a suspended driver. To be frank, they feel that the courts are not dealing appropriately with the suspended driver unless the suspended driver is driving in contempt of a criminal conviction where suspension is part of the conviction.

That is when the suspended driver will be charged under the Criminal Code, and it is rare that that driver would get time. It's more likely to be in the order of an extension of the suspension, possibly up to a \$1,000 or \$2,000 fine, but the usual fine for a suspended driver is somewhere in the order of much less than \$300. With the graduated licensing system, it may well be that there will be a disincentive to a driver to go through the system and take his chances on paying \$300 if he gets away with it.

Mr Turnbull: The answer is to beef up the measures.

Dr Flynn: Be firm, and I think if you look at other

jurisdictions, the state of New York very recently has started to tighten up on the suspended driver who has been stopped for other reasons. In one case I read of a man who had been suspended 67 times and was still driving. They have now started to haul those people in to the slammer. It's been up to the courts.

Ms Haeck: You've raised some interesting points. I represent not only part of the community of St Catharines but also Niagara-on-the-Lake, and there's obviously a little bit of farm land between the two communities. The point I've raised with others is the fact that a lot of the farm families, the children of those families, frequently have exposure to motorized vehicles a lot sooner, operating a range of farm equipment. They've always been seen really as very integral to the operation of the farm and frequently as soon as they get to be 16, they get their licence fairly quickly and become the gofers, running errands, and definitely it has been something that has been very important to the farming community.

You indicated in your presentation you did not want to see any exemptions. Are you saying that also applies to the rural community trying to get to work or trying to do some of that work?

Dr Flynn: Yes. It's an unqualified statement.

Ms Haeck: I know there's another colleague who has a question so I'll yield my time.

Dr Boadway: I might say on a very personal note on this one that I was raised in a farming community, and many of my friends, in fact, because they were farming families, got their licences very early. I can personally attest to the fact that it did not make them more responsible than those who got their licences later, and I also, unfortunately, can tell you that several of those friends of mine lost their lives at that point, and I regret that they got their licences because they were good friends of mine. I'm sorry; that wasn't acceptable to me in my life.

Mr Gary Wilson: Thanks very much for your presentation. Some of the points that I wanted to ask about, especially the relation of alcohol and driving, have been touched on, although I wasn't quite sure from your presentation, Dr Flynn, whether you think there is an accompanying driver at level 2 as well.

Dr Flynn: Very definitely should not have—

Mr Gary Wilson: But there is no accompanying driver at level 2. I was just wondering whether you—

Dr Flynn: With the accompanying driver, yes.

Mr Gary Wilson: There is at level 1, of course.

Dr Flynn: That is required, if the legislation were to include an accompanying driver.

1530

Mr Gary Wilson: I wasn't sure whether you say there should be one at level 2 as well.

Dr Flynn: No.

Mr Gary Wilson: Okay. The one I wanted to ask about, though, was the other one, the 400 series. Would you say that is a good one to keep in, that they're restricted from driving on the 400 series except with a driving instructor, so that even with an experienced driver, in other words, novice drivers aren't allowed?

Dr Flynn: We believe that would constitute an exemption, and once you start making exemptions, you're destroying one of the basic principles of the system in that there is a minimum standard set and that standard will not be reduced and it will not be reduced for anybody; you must have the same system for everybody. It will be an inconvenience for some people. Everybody acknowledges that.

Mr Gary Wilson: Yes. I was thinking more in the sense that there might be a gap there in their learning if they're kept off the 400 series, and it's been pointed out too—at least some people believe—that they're even safer than some of the roads that—

Dr Flynn: I've heard that said. My feeling is that the progression, at least, into level 2, before level 2 is arrived at, should not include the 400 series. It may well be that time will show that because we are looking at a completely new system, those drivers could be allowed on 400 highways, with some restriction in regard to hours and passengers and speed, but that I think is something which could be added on as past experience shows.

The Vice-Chair: Dr Gerace, Dr Flynn, Dr Boadway, on behalf of this committee I'd like to thank you for taking the time out of your busy schedules and coming and giving us this presentation today.

THE ONTARIO FEDERATION OF HOME AND SCHOOL ASSOCIATIONS

The Vice-Chair: I would like to call forward our next presenters, from the Ontario Federation of Home and School Associations. Could you please come forward? Good afternoon. Just a reminder that you'll be allowed up to a half-hour for your presentation. The committee would appreciate it if you'd keep your remarks somewhat briefer to allow time for questions and comments from each of the caucuses. As soon as you're comfortable, could you please identify yourself for the record and then proceed.

Mrs Ruth Woodcock: Good afternoon. We're from the Ontario Federation of Home and School Associations. My name is Ruth Woodcock and I am the first executive vice-president. With me is Bette Turner, who is the president, and Norma McGuire, who is our immediate past president.

The Ontario Federation of Home and School Associations welcomes the opportunity to appear before this committee. It is of the utmost importance to collect and consider public input during the process of draft legisla-

tion to ensure that the welfare and safety of all citizens, but especially children and youth, are protected.

The Ontario Federation of Home and School Associations, a member of the Canadian Home and School and Parent-Teacher Federation, is a non-profit volunteer organization which has been in existence since 1916. The Ontario Federation of Home and School Associations, a province-wide network of over 18,000 dedicated members, is committed to informed and proactive involvement in our homes, our schools and our communities to obtain the best for each student.

We believe parents and guardians are willing and active partners with those delivering education programs and service. We believe Home and School at all levels is the advocate for the students in the public school system. We believe cooperative and healthy environments in the home, the school and the community are necessary for the development of each learner. We believe local, provincial and national parental networking is essential, and we believe effective communication is critical.

Home and School acts as a direct link between the home, the school and the community, actively promoting the objectives: the educational, social and environmental wellbeing of children and youth. It is involved in promoting and securing adequate legislation covering all aspects of the care and protection of children and youth. Our policy is determined by resolutions passed by our association members at our annual meeting.

The Ontario Federation of Home and School Associations, OFHSA, applauds the Ontario government's efforts to improve safety on our roads and reduce the number of traffic deaths and injuries. OFHSA supports the most important benefit of graduated licensing: to help provide new drivers with a safe learning environment to gradually develop practical knowledge, skills and experience.

OFHSA supports the Insurance Bureau of Canada's belief that an effective graduated licensing system could help save lives, prevent injuries and damages and make Ontario's roads safer for all who use them. We also agree that for such a system to be effective, four basic principles must remain intact: New drivers need to be gradually introduced to the road; new drivers need to learn gradually to cope with inherently risky driving conditions; new drivers need continuing development of driving skills, education and testing; and new drivers must be encouraged to take responsibility for safe driving.

The main focus of our presentation today will be on the student drivers and their parents. OFHSA strongly supports driver education courses. In 1963, it became the policy of the Ontario Federation of Home and School Associations that there be a complete driver education course for 16- to 19-year-olds and that a driver's licence be denied to anyone between the ages

of 16 and 19 who has not satisfactorily completed and passed this government-approved driver education course.

We urge you to consider this policy. Instead of offering a shorter time for obtaining driving experience in level 1, all student drivers between 16 and 19 years of age should be required to be enrolled in driver education during the 12-month minimum. Satisfactory completion of such driver education instruction should be a requirement for entry into level 2.

In 1979, it became the policy of OFHSA that driver education courses with high standards at a reasonable cost continue to be offered to the students in Ontario secondary schools. At this time, the joint memorandum of agreement between the Ministry of Transportation and Communications and the Ministry of Education was under review and our members wanted to make sure that driver education would continue.

In 1973, it became the policy of OFHSA that a driver education course be accepted as a credit subject in the secondary school curriculum, funded jointly by the ministries of Education and Transportation and Communications. This would ensure that the students who would become drivers would be able to access the driver education. Many potential student drivers cannot afford the high cost of driver education classes. Also, driver education classes, as offered now outside the school curriculum, must be taken after school. Students who must work cannot take advantage of driver training. Often these are the very students who would most benefit from this course, as good driving skills would often prove an asset in earning money to enable them to complete their education.

Since 1987, OFHSA has petitioned the Minister of Education to encourage boards of education to promote driver education course enrolment. As our ultimate goal of having driver education offered as a credit course has not yet come to fruition, though we continue to strive in that direction, we continue to urge boards of education to advertise driver education. Many parents and/or students do not know that such courses exist and that successful completion results in substantial savings on insurance premiums for young drivers.

The Ontario Federation of Home and School Associations is very concerned about the high incidence of traffic accidents, deaths and injuries caused by impaired drivers. It is the policy of OFHSA that the minimum legal age for the consumption of alcoholic beverages be 21. The combination of young, inexperienced drivers and young, inexperienced drinkers greatly increases the risks. We support the zero blood alcohol level for drivers in level 1 and level 2 and for the accompanying driver. As a matter of fact, this should be the law for all drivers at all times.

1540

Though OFHSA has no policy on the following

issues, we would like to raise some questions:

(1) How will the new driver entering level 2 gain experience in driving on a 400 series highway if they are restricted totally in level 1? Perhaps the legislation should be broadened to allow level 1 drivers to use 400 series highways when accompanied by a certified driving instructor in the front seat.

(2) Where in the proposed legislation does it indicate where the accompanying driver must sit? Certainly not in the back seat.

(3) Why is less time required for new drivers on motorcycles to gradually develop the practical knowledge, skills and experience?

In closing, the Ontario Federation of Home and School Associations would like to make some recommendations:

(1) That driver education courses be given a higher profile by promotion and advertisement to students and parents.

(2) That there be a complete driver education course for 16- to 19-year-olds and that it be a requirement for promotion into level 2.

(3) That the ministries of Transportation and Education and Training collaborate to have a driver education course accepted as a credit course in the secondary school curriculum, funded jointly by the two ministries.

We thank you again for the opportunity to speak on behalf of our members in the interest of increased safety for our children and yours.

Mr Turnbull: You're dwelling on the idea of mandatory driver education. I must say, going into these hearings, my inclination was towards that too. However, in questioning expert witnesses, I've come to the conclusion that you cannot coerce people successfully into going into courses; they have to go in of their own accord. The evidence seems to suggest that if people decide it's to their benefit, they will probably take more advantage of those courses.

You mentioned the cost of driver education, and you're suggesting it should be held at school. Now, whether we like it or not, we're faced with the bare fact that funding is being cut in all areas.

You further mention that there are insurance discounts for those people who have gone through driver education. Do you not think it would be fair and reasonable to say that we should expect the students or the families of the students to pay for this driver education since they reap the benefits of reduced insurance?

Mrs Bette Turner: I think it's a two-way street. The family or the student reaps the benefit of the reduced insurance rate, but I also think it makes a much safer driver on the road, and I think we have to look at it from that point of view.

Mr Turnbull: From the evidence we've received, it did not appear that the standard of driver education that is being offered, either in the schools or through private education organizations' driving schools, is of a very consistent standard.

Mrs Turner: That's true. We've found that ourselves. It's not consistent.

Mr Turnbull: How do we come to terms with this? The bare fact is that there's no money in the system for government money to be spent on it. One of the things we're probably going to have to wean Canadian taxpayers off is, "Oh, just get the government to spend more money," because the money's not there. We've already spent it for so long that we're leaving a debt to our kids, and I think we're fooling ourselves to think that we give them these free lessons and we just pile up the debt and somehow it's going to go away.

Mrs Turner: I think part of that comes from the fact that the school is considered a place to learn. With qualified people teaching a course in a learning situation, and especially if there was a credit for it, there would be a lot more attention paid to drivers' education as an educational item.

Mr Turnbull: I'm not trying to be argumentative, I'm just putting forward a few suggestions.

It seems to me, the imperative is to improve our educational system in Ontario and in Canada if we're to remain competitive. If we start giving courses like this credits, do we give credits to basket weaving and things like this? That's the problem I'm seeing and, believe me, I have sympathy for what you're saying, but I'm asking you—I mean, there's no money. Should we be watering down school credits in this way?

Mrs Turner: I think we presented it as an option to look at and to consider when you're considering everything else.

Mr Turnbull: I completely agree with you on the question of the location of the accompanying driver. More than that, I have mentioned on several occasions I don't believe we should have more than the accompanying driver in the front seat. As the legislation is written at the moment, or the draft legislation, we could have three people in the seat. I think we all know how distracting it can be when you've got a lot of people in the car. Could you comment on the number of people in a car and this question of three people in the front seat?

Mrs Woodcock: That's something we don't have a policy on. Speaking for myself and, I think, it's almost a motherhood issue, the fewer people in the car at the time a driver is learning, I think, is the best thing. I was quite surprised when I learned in the legislation that it had to be stipulated that part of the restriction in level 1 was that they only have the number of people in the car as per seatbelts. Unfortunately, that was news to me at the time. I thought that was the law and found out

that it isn't, that it's only restrictive for the front seat. I very much think that, as you said, only two should be in the front seat at the time there is a learner driving behind the wheel.

Mr Turnbull: What do you think of the proposition that, at least during level 1, there should only be qualified driving instructors or family members with the learner-driver?

Mrs Norma McGuire: If I may, I feel that, depending on the age of the family member—I noticed in what was written that it was the spouse or something—that was perhaps a parent but not an older sibling. Frequently, you have a sibling in the families today who might be 10 years older than a younger sibling and that person meets all the other qualifications except the stipulation that they be a spouse or that type of thing. Therefore, I would think a family member who is qualified properly to accompany—

Mr Turnbull: I think you're mixing up two things.

Mrs McGuire: I'm sorry. Okay.

Mr Turnbull: There's the question of the accompanying driver, who must have four years' experience and there's no restriction as to whom that may be. This is something that has arisen out of the hearings. The suggestion has been made that the only other people, other than the accompanying driver, should be family members. What do you think of that suggestion?

Mr Jackson: In level 1.

Mrs McGuire: In level 1.

Mr Turnbull: The thrust of that, let me explain, is essentially that we don't get a car full of kids and all of the peer pressure that goes along with that.

Mrs Woodcock: Personally, I think that's a good idea. If you put in that kind of restriction then you would have to, I think, be careful of the driver education courses, because I understand that when the driver education car goes out, they have other students in the back seat. During the lesson, there would be a driver education student driving, the driver education trainer in the accompanying seat in the front seat, and then they also take the other students with them in the back seat.

Mr Turnbull: The thrust of how this was put is when you're in your own car. We're not talking about driver educator's car.

Mrs Woodcock: So the restriction wouldn't apply there.

Mr Turnbull: There's nothing been written down so far as to what the restriction would be. It's just a question of how it would be couched.

1550

The Vice-Chair: Mr Dadamo.

Mr Daigeler: Mr Chairman, would it be possible, because I have to catch a plane at 5, to ask my question quickly, with your permission?

The Vice-Chair: Certainly. I'll allow that. Go ahead, Mr Daigeler. We're a very friendly committee today.

Mr Daigeler: Thank you for coming to this committee. You're the first parent-teacher group that has come to us and I think you have an important contribution to make. I'm just wondering: How did you hear about it and what made you appear before the committee?

Mrs McGuire: I can answer that one. We were contacted by the Insurance Bureau of Canada to ask if we would be interested in participating in some discussions that—

Mr Daigeler: Had you seen any kind of advertisement yourself, or seen anything about this matter?

Mrs McGuire: Personally I hadn't, no.

Mr Daigeler: Anybody else? No? Because—where was it? Oh, the bus driver who brought us up from St Catharines said he hadn't heard anything about this at all. He thought it was a good idea, but he thought it was too bad that the media hadn't picked it up—they have, frankly; there have been stories in the press about this matter.

I'm glad you're here at least and I do want to say one other point, though, because I think it's important: All of this isn't just for the young people. There was evidence earlier that we as parents also have things to change—the way we allow younger people to drive and use the car, and that there is an attitude change required in society at large from young to old. I would hope that you would do your share in that regard as well, not just with the young people.

Mr Dadamo: I want to take this opportunity, before I make comment, to thank the MTO staff who have been around for the last couple of weeks and travelled with us. They've given us a lot of information and been there for us.

I want to bring you to page 3 and talk about a few points. Point 1: I have clarification that if you have an experienced driver in level 1, you can be on the 400 series. On point 2,

I think it's in the legislation that the accompanying driver with the experience must be in the front seat and hopefully wearing a seatbelt.

Mr Gary Wilson: Could you repeat that? Now I'm a little confused. Are you saying, with an experienced driver you can be on the 400 series in level 1?

Interjection: Driving instructor.

Mr Gary Wilson: Driving instructor. Okay, because that was what I wanted to continue with and say, if somebody were taking a course, would you see that it would be advisable or beneficial for them to also drive on a 400 series road with an experienced driver? They're not taking a course all the time, obviously. That would give them more experience at level 1. In other

words, they wouldn't be restricted—the important thing is that they're taking a course. They are out there on the 400 series with a qualified driving instructor. Could that continue with an experienced driver?

Mrs McGuire: To me, it would depend on what part of a 400 series you were using. If you're using across the top of Metro, I think it's quite different from using the Cornwall area. There's a big difference in the amount of traffic and in the risks that are presenting themselves in certain parts of the 400 series as compared to across the top of Metro. I think perhaps that—

Mr Gary Wilson: Other presenters have said the 400 series are actually safer than other roads. We didn't really make that distinction, so that's part of the reason. So you do see some possibility for that.

Mrs McGuire: That's certainly a very personal expression.

Mr Gary Wilson: Sure, that's fine. I want to raise another issue, though, that Mr Turnbull raised. You said a couple of times that there is no money. As you can see, the lights are on here, so there obviously is some money. It's a question of how we spend it. I'm not sure that, given the presentation just before you came here—they were a group of doctors saying how costly highway accidents are. As we all know, it's a tremendous cost, both in social costs and in medical costs. In other words, it might be efficient to make an investment of public money in things like driver education.

I was just wondering what you think about that, especially considering that not everyone is able to make the same payment; not all parents, in other words, have the same discretionary income to make the driver instruction courses.

Mrs Turner: I'll answer this as a mother who has survived two teenaged boy drivers. The thing was that it was an excellent carrot to hold out to get cooperation from the teenager. "If you want the money for the driving instruction, then this is what you have to do for it." This is how it proceeds. You have to manage it very, very closely. Even when they obtain their licence, you still have to monitor the use of the car, that they don't just come in and pick up the keys and take it.

There has to be a purpose and reason and we have to have been following the rules all along, and as soon as there's a slip, not being home on time or whatever, then we have to have penalties in it so that they pay attention to what they're doing. As a parent, you have to take responsibility to make sure they are trained properly, you hope, and you do the very best you can. But you really have to put the effort into it and it's not easy.

Mr Gary Wilson: As a parent, you mean, you have to put the effort in to monitor it.

Mrs Turner: Yes.

Mr Gary Wilson: What about in cases where that's not always available? I was just wondering what your

view of that is or what you would recommend. I'm thinking here too in rural areas, for instance, where kids and other novice drivers need their vehicles at times when it would be inconvenient to have some of the restrictions that apply here.

Mrs Turner: I think you'll find that in rural areas, in some cases, many young people are allowed to drive fairly powerful motorized vehicles as long as it's not on a public highway, and given the nature of the young persons, they can learn from that experience and become fairly good drivers or they can go the other way. It's strictly an individual situation.

One of my sons had the opportunity of doing that, but I found out that in the province he was in at the time he could drive on the shoulder of the road and drive a grain truck and he wasn't old enough for a valid driver's licence. I thought that was a bit much.

Mr Conway: It's an interesting presentation. To the person who said she had just raised two boys, I sit here and I think about the attitudes. I really was troubled earlier today, and I don't know whether you were here when the coroner or someone—Mr Peaire, I think it was, said his son was killed because he got in a car with somebody who went down a country road at 160 kilometres an hour. I just say to myself, what do we need to do here to change these attitudes?

I live on the road and I've been really impressed by a lot of this testimony and I think the government's proposal is essentially a good one. It's a modest proposal, really. But I leave here with a kind of sick feeling that there are attitudes out there that are so incredible that we may be a long way from getting to some of these people. I don't know. I end with that.

In that context, did your two young sons respond reasonably well to the directions? How did you as a parent keep them away from friends who would drive down a country road at 160 kilometres an hour?

Mrs Turner: They had to use my car. They didn't own a car or have full use of a car. They also had friends who lost their lives. That was a very sobering experience, unfortunately, for the friends they had.

Mrs Woodcock: I think sometimes the perception is too that if we live in a metro area, the highways and the driving there are a lot more dangerous. In some ways I think it is because there are more cars on the road. But then I don't think any of the restrictions should be lifted in rural areas, because there is the fact there that you've got more open space and there is more of a tendency for the young people to open up and let it go.

Mr Jackson: And less policing.

Mrs Woodcock: And less policing. Some of the worst accidents we have seen lately have happened on rural country roads. I'm thinking about the Mother's Day accident at Forks of the Credit, and they're no less tragic—

Mr Conway: I agree with you, by the way. I don't think there should be a dual standard. I think there has to be one policy, but I think the policy has to be sufficiently flexible to take into account the realities of a very large province where the conditions in the Rainy River district will be very different than they are in, say, North Halton or in the interior of Metropolitan Toronto.

I was concerned, and I think it's a very valid concern—I don't know whether you heard the coroner just a moment ago talk about the number of people driving without any kind of a licence, that we have to operate in the real world, and if we draw restrictions, we have to hope that there's some reasonable level of compliance.

Mrs Woodcock: I would hope that the restrictions, if there were any convictions during level 1 or 2, would be severe enough to make it give a very strong message to the young people.

The Vice-Chair: Ms Woodcock, Ms Turner and Ms McGuire, on behalf of this committee, I'd like to thank you for taking the time out of your busy schedules, bringing us this presentation and giving us a mother's perspective.

Mr Jackson: I just wanted to make a closing request of research and/or ministry staff to seek out some additional information which may prove helpful to the committee in drafting its final report. It centres on this area of licence suspensions. I know it's possible to ascertain the number of licence suspensions that occur in a given year and I realize that there's a whole variety of reasons for that. You may have the data broken down that way.

It is possible to get from the Attorney General's office the statistics on the number of convictions by specific offence, and in this case it would be driving while suspended, which is a designated offence. Perhaps we could get some memo from the Attorney General's office with respect to either the average fine per case—I think that's highly unlikely—or the fine guidelines as set out by the Attorney General's guidance to crown attorneys and to judges.

Mr Wayne Lessard (Windsor-Walkerville): Not judges.

Mr Jackson: Yes, the judges would get memos periodically if there is a range. I'd like to know what that recommended range is, or if there's a three-page memo on how to deal with fine suspensions. I don't want it simply as, "It is recommended that it be \$300."

I'm sure it's more than that. It takes perhaps a little bit more digging, but I'm sure we've given our judges direction and we've certainly advised crown attorneys what offences should be recommended.

On the issue of the licence suspensions, it's my understanding that everyone's licence is date-sensitive and it's contained in its numeric order, that your actual year of birth is incorporated into your 12-digit licence. That was my understanding. So if that is the case, it's possible to do a computer search of those licence suspensions, and without our knowing who those individuals are, it's possible, with a limited amount of research, to determine the average age of licence suspension.

I'm getting nods from staff and I'm getting some degree of concurrence that they would attempt that, but I think, having thought through this request, with a little bit more effort, I believe we could get a better handle, by age, of licence suspension. I think if we could assemble that data, it would be very helpful to us in formulating some additional recommendations. We have heard deputations that the linkage between the Attorney General's office and the Ministry of Transportation could be strengthened in terms of this whole process we're in right now.

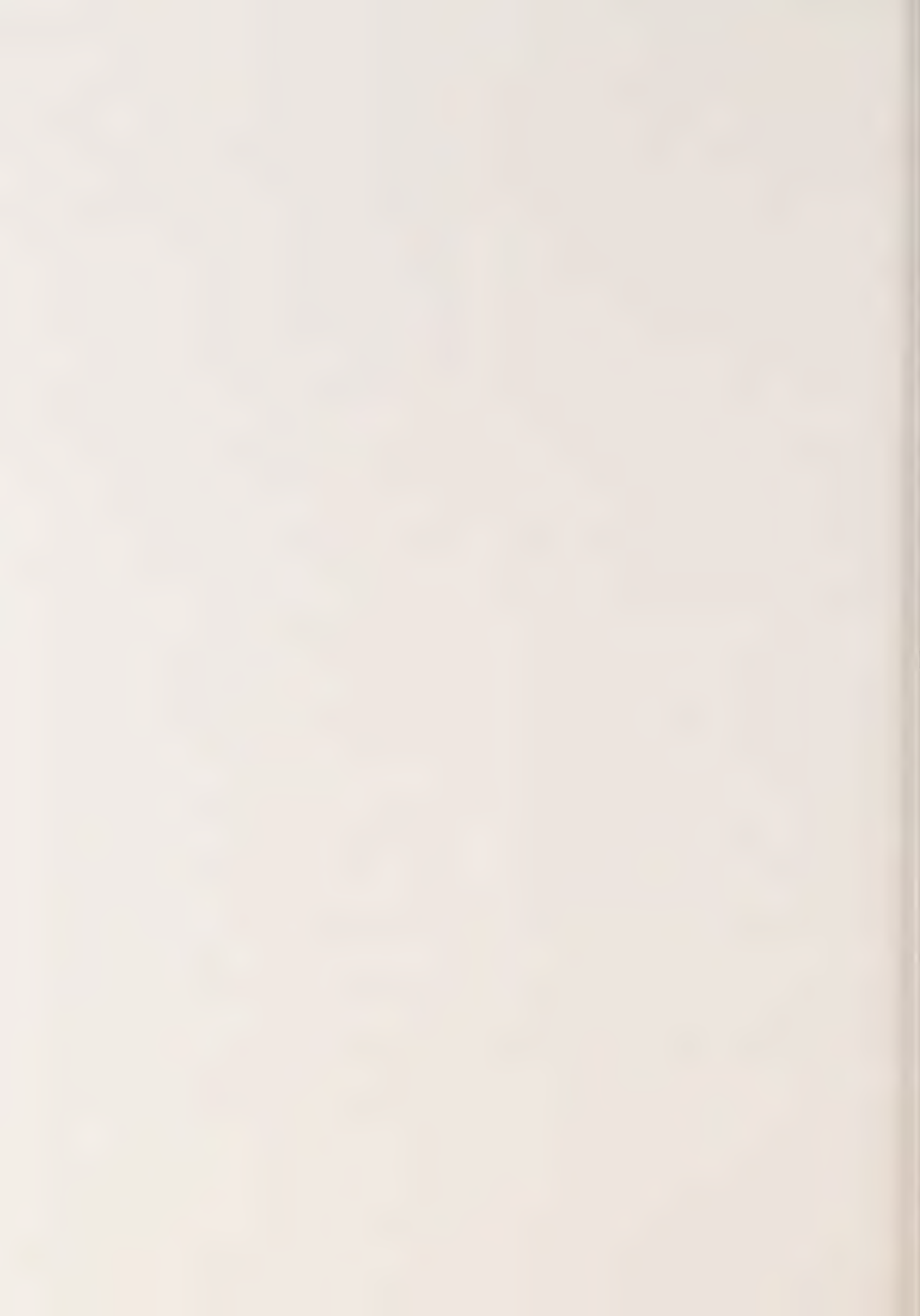
Interjection: Or Solicitor General.

Mr Jackson: Or Solicitor General. I think the Solicitor General's office has been extremely helpful, but it's the Attorney General's office which I think is—we're seeing less of their involvement or influence or impact in the draft legislation and the discussion papers to date. That's not meant as a condemnation, nor was it an intentional oversight on the part of the government. I just simply, by making this request, would like our committee to come up with a stronger report.

The Vice-Chair: I'm sure, Mr Jackson, all the ministry staff and legislative research will get us all the information that we requested and at our meeting back they'll be providing some of the responses and maybe answering some of the questions we have that arise between now and then.

Right now, I'd like to thank all the committee members, all the staff and all the ministry people and anybody who's participated in these committee hearings. This committee stands adjourned till the call of the Chair.

The committee adjourned at 1604.



CONTENTS

Thursday 16 September 1993

Graduated licensing	R-455
Driving School Association of Ontario Inc	R-455
John Svensson, president	
Central Driving School	R-459
Dave McManus, representative	
Jaipaul Ramwa	R-463
Rodger Peaire	R-468
Ontario Mutual Insurance Association	R-473
Glen Johnson, president	
Ron Perry, member	
Doug Little, member	
Jeremy Riley	R-479
Ontario Medical Association; Ontario Coroners' Association	R-483
Dr Rocco Gerace, chair, OMA committee on accidental injuries	
Dr Kevin Flynn, Ontario Coroners' Association and member, OMA committee on accidental injuries	
Dr Ted Boadway, OMA director of health policy	
Ontario Federation of Home and School Associations	R-487
Ruth Woodcock, first executive vice-president	
Bette Turner, president	
Norma McGuire, immediate past president	

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Substitutions present / Membres remplaçants présents:

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 Daigeler, Hans (Nepean L) for Mrs Fawcett
 Haeck, Christel (St Catharines-Brock ND) for Ms Murdock
 Jackson, Cameron (Burlington South/-Sud PC) for Mr Jordan
 Lessard, Wayne (Windsor-Walkerville ND) for Mr Huget
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 Phillips, Gerry (Scarborough-Agincourt L) for Mr Offer

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Clerk / Greffière: Manikel, Tannis

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**Standing committee on
resources development**

**Comité permanent du
développement des ressources**

Graduated licensing

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LEGISLATIVE ASSEMBLY OF ONTARIO

R-493

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 4 October 1993

The committee met at 1556 in committee room 1.

GRADUATED LICENSING

The Chair (Mr Bob Huget): I call the committee to order. Mr Hughes is here from the Ministry of Transportation, along with a couple of colleagues seated at the bench and a couple in the audience as well. There were a number of questions outstanding, as I understand it, from committee members, and Mr Hughes and his staff are here to answer those questions, so I'll turn it over to you, Mr Hughes.

Mr John Hughes: Good afternoon, committee members. I had asked at the last day of the hearings that before you deliberated too far and too long on any of your recommendations and your report, perhaps we could attend and field any questions and be given a chance to give the ministry perspective on why things had evolved to the point they had in the proposal.

If I could just take a few minutes first, we've got a couple of new faces here and I think probably every one but one is familiar to the committee members. I'm the director of safety policy for the ministry. Paul Levine, on my right, is the manager of road safety policy. Bob Domoney is the manager of the graduated licensing project and is responsible for trying to make graduated licensing actually happen.

Linda Clifford is our manager of road safety research, and she's also taking the lead for the ministry on the development of the advanced driver's test. I know there was a fair amount of discussion and questions around that, so we thought it might be helpful to have Linda here today if the committee members wish to pursue that line of questioning any further. Of course Joe Walker, who you've seen at the hearings, is a policy officer who has been the arms and legs of all the policy work that's been done on graduated licensing over the last few years.

I thought I could start with a couple of clarifications. Several things came up during the hearings where we weren't sure whether the committee was clear on what is in and what is not in the regulations, so I'll just clarify a couple of matters.

First of all, the counting of experience towards the accompanying driver's four years of experience: Our intention and the way the regulations are drafted are such that this experience counts from the minute the learner driver comes into the system. So for someone who had two years in graduated licensing and then another two years' of experience, that would be a total of four years' experience. Experience starts from day one on the system as a learner driver.

A couple of the witnesses implied that a very small percentage of learner drivers under the current system actually take a vision test. This is not true. Everyone who qualifies for a learner's permit under the current system as well as under the proposed system does take and will have to take a vision test. I just wanted to clear that one up.

On this question about the accompanying driver and the freeway driving, the regulations are drafted to state that a learner driver at level 1 may drive on a 400 series highway if the accompanying driver is a professional driver instructor. By taking driver education and driver training in level 1, they will be allowed to get some training on the 400 series highways if accompanied by a professional instructor.

I had expected that we would be here to sort of field questions and make any comments on any items of interest to the committee, but perhaps I can make a couple of introductory general comments, if I may.

First of all, you've heard a lot of suggestions from the various witnesses, all representing different points of view in the road safety community. The thing I want to emphasize is that I think you're going to end up with the same dilemma the policymakers had as we developed this model, and that is, just where on that balance of mobility versus safety do we want graduated licensing to fall?

The thing I want to emphasize is that the proposal we've come up with is an integrated proposal. It recognizes the strong points of graduated licensing; that is, minimum time periods and decreasing levels of restrictiveness and exposure to risk. Those are kind of the cornerstones of graduated licensing models and proposals around the road safety field.

But ours goes beyond that. It recognizes the need for driver training and driver education and has an incentive built in. It has the advance test, which is, I think, fairly unique in terms of an inclusion in this kind of model. It includes changing our demerit point system to identify and treat problem new drivers earlier than our current system does. What I'm trying to emphasize here is that it's an integrated, balanced approach and one thing shouldn't be looked at as a substitute for something else. I think we need all those things in the proposal.

I'm specifically raising that because a lot of people at the hearings raised the idea of mandatory driver education as a substitute for something else in the model. I think there's a place for driver training and driver education, but I think it's just part of the package and I don't think it replaces any of those other elements that

are part of the package.

I guess the last thing I would like to say is that we have prepared a fairly detailed description of what we heard as being the issues and problems and questions brought up as part of the hearings. We've tried to give what we see as our analysis of the pros and cons and our position, and those will be given to you after the session today so you'll at least have that documentation of our analysis of most of these issues and how we feel about them.

I want to now throw it open to answer any questions or hear any concerns you may have.

Mr David Turnbull (York Mills): John, I believe I know the answer to this. I believe you're now thinking in terms of restricting front-seat passengers to only one, that being the accompanying driver?

Mr Hughes: We're not thinking of making any changes on our own to this model. Any changes that are made now will be, I guess, as a result of the hearing process and recommendations that might be forthcoming from this committee. But I think that from a strictly safety point of view, the suggestion that several people made at the hearing for one front-seat passenger only—that being the accompanying driver, obviously, in level 1—has merit from the staff point of view.

Mr Turnbull: What do you feel about level 2? Do you not think that restriction should be extended?

Mr Hughes: In level 2, I think the same reasoning still applies. Of course, it would not have to be an accompanying driver, but certainly more than one passenger in the front seat would tend to crowd a still-learning driver. So again from a safety point of view, we see some merit in the suggestion.

Mr Turnbull: The extension of that argument is the problem with having a lot of particularly young kids in a car. After hearing the various presentations, the coroner's presentation particularly, do you think we should perhaps be restricting still further in level 1 the number of people who can be in the car?

Mr Hughes: From a personal point of view, that would be my preference and I think the staff's preference. But again we're getting into that tradeoff, and we recognize, particularly in level 2 when the person need not be accompanied any longer, the fact that people need to drive people around for certain reasons.

In level 1, I guess the idea of mobility isn't as much an argument because the accompanying driver's always there. For any of those restrictions in level 1, if the person's obeying the law, they've got that accompanying driver, so the accompanying driver, if there is a need to get from A to B or to carry a certain number of passengers or to do something that's outside the bounds of the restrictions, can always take the wheel and therefore it's not a mobility problem.

Mr Turnbull: Okay. The other thought I had—it

was mentioned a few times—was the question of penalties for people who violate the terms of graduated licensing and whether you've further thought about the idea of some penalties, perhaps demotion, for example, from level 2 down to level 1.

Mr Hughes: The question of penalties: I've explained, I think, a couple of times during the hearings that our philosophy going in here was that a learner driver is a learner and will make mistakes. We've designed this proposal to allow for mistakes of learning, and in fact the demerit point system is being revised so that a first offence will bring a warning letter and a second offence will bring a group counselling session.

The idea of more punitive measures in the way of suspensions or perhaps demotion back from level 2 to level 1, as you suggested—I think, in discussing this, we've softened our position a little bit. We've heard people arguing, particularly in level 2 when a learner driver has now had eight months' or 12 months' experience, that there perhaps is a place for a little more punitive approach to driving errors, given that you expect people would know how to do the basic skills and will have been tested to be able to do the basic skills by the time they get to level 2, punitive measures in the way of suspensions or adding to the minimum time period or something like that.

I think the problem with bringing people from level 2 back to level 1—there are a number of problems, not the least of which is the administrative complexity of trying to do it—is there's a time lag. If a person is charged with something, say a month before they exit level 2, that's not liable to show up in court for several months later and then the actual conviction on the record even later than that. You've got a question of people having sort of graduated already out of a level and then having to force-fit them back. I think we prefer, from an administrative point of view, simply dealing with them in a suspension or addition to the minimum time.

Mr Turnbull: I understand that rationale when you're talking about where they've made maybe a stupid error—I guess we've all at some point made stupid errors when we're driving. What I'm thinking about is where they've clearly violated the terms of it; for example, driving with a blood alcohol level of less than 0.7 but certainly more than 0.0 in that level 2. I know the rationale that if you somehow got out of the system because it has only gone to court afterwards and you've now got a job as—God help us—a bus driver, you lose your employment. But by the same token, there is an overriding safety consideration that, if they're the kind of person who's prepared to violate those terms, you're not protecting the public safety.

Mr Hughes: It's an age-old argument, this kind of degree of severity, and I guess the balancing act here is how severe you make the treatment so that it hurts but

it doesn't hurt enough that people are kind of encouraged to circumvent the system—drive suspended, or whatever. That's a question we wrestle with all the time in matters other than just things like graduated licensing, the whole spectrum of penalties under the Highway Traffic Act. I don't have a clean answer. I just think you have to remember that if you go too far people will ignore whatever penalty you've imposed and carry on. It has to be meaningful but not so severe that you encourage illegal behaviour.

1610

Mr Turnbull: Do I have time for another question?

The Chair: You've all kinds of time, David.

Mr Turnbull: What about the thought of 0.0% blood alcohol content for the accompanying driver?

Mr Hughes: Again, that's obviously something that from a safety point of view we love. I guess the only caution we throw up is that we think that would be open to a constitutional challenge in that you're treating the mature driver population, different groups, differently. You're saying it's okay to drive with 0.05% BAC but not okay to be an accompanying driver who's capable of taking the wheel. There's a certain inconsistency there.

Mr Turnbull: Surely the same argument would also apply to the 0.05.

Mr Hughes: With the exception that we have a learner driver.

Mr Turnbull: Okay. I realize that it is technically possible for the police to suspend your licence if you're over 0.05, but if you're right at 0.05, I'm just not quite sure as to whether the same constitutional argument doesn't come into play there.

Mr Hughes: All I'm saying is that the police can impose the 12-hour suspension at 0.05 or more. Therefore, we're saying that for the driving population marginally under 0.05 is all right. It's not a level of impairment that we're concerned about enough that we feel you shouldn't be behind the wheel. That's the way the Criminal Code and the HTA reads. All I'm saying is that it's inconsistent to apply a different standard to the accompanying driver. But from a safety point of view, if you take the argument to the point that you're saying that this person not only has to be capable of driving but also has a learner driver under his or her care or protection, then perhaps the argument's valid. All I'm saying is that it's very likely to be challenged.

Mr Turnbull: Have you had a legal opinion as to whether the constitutional argument could apply at 0.05?

Mr Hughes: Yes. This point came up in terms of the development of policy, 0.0 BAC or 0.05 BAC for the accompanying driver, and the legal opinion from the Attorney General's area was that we should go with the 0.05.

Mr Turnbull: That would not be subject to a challenge or it is unlikely to have a successful challenge.

Mr Hughes: It's not going to be subject to a challenge in terms of discrimination. You've got to remember that the whole drinking and driving area is a very sensitive area legally. The case law has been built over time based on different challenges, and we get very nervous, particularly the Attorney General's staff get very nervous, about making changes that may cause more challenges to the way the law reads.

Ms Sharon Murdock (Sudbury): Just to continue on that point, I would think that you would have a section 1 argument in terms of what was good for the population. Having listened to the presentations for the one week that I sat on the committee, I was thinking that if we are advocating no drinking and driving, even though the Criminal Code allows 0.08, we should be looking at that if you're taking out a learner, then you shouldn't be drinking either, at all.

Mr Hughes: I think there's an argument there. The advice we have is that it's open to a challenge, and very likely a successful challenge.

Ms Murdock: Okay. I just wanted to get back to something you had said: 8 to 12 months in terms of experience. I'm wondering how that will be determined. I know that it was raised as well by some of the presenters about whether it was from the date you applied for and got your level 1 or whether or not it was going to be based on number of hours of driving or number of kilometres driven.

Mr Hughes: The proposal is for a 12-month minimum from the time of level 1 licensure, reduced to eight months with driver ed. This whole question of number of hours logged or number of kilometres logged was a suggestion that came forward at the hearings. It's not in the proposal.

Ms Murdock: No, I realize it's not in the proposal.

Mr Hughes: Do you want me to comment on that?

Ms Murdock: Yes, because how would you know how often this person had driven?

Mr Hughes: Right, that's the difficulty. It isn't in the public document—the flyer and the booklet—but our intention under the proposal has been that as part of the development of the graduated licensing model we will be preparing and developing a package that will go to the learner driver and the accompanying driver, and in that will be a voluntary logbook with some guidelines on how many hours or how many kilometres and what different kinds of experiences and in what sequence, that sort of thing, which the accompanying driver and the learner driver should work through. That's to supplement driver education, because whatever it is, 15 hours behind the wheel or 20 hours behind the wheel as part of the driver ed program, is clearly, in our view,

not enough. Basically, that should be the formal training and then that should be supplemented by practice.

But the problem with some kind of mandatory minimum time or minimum distance of course is the validation of it. There's just no way to realistically be able to validate whether or not the person indeed did achieve the required number of hours or kilometres.

Ms Murdock: To change subjects entirely, will the vision test include night vision?

Mr Hughes: The vision test to get into level 1 will be—

Ms Murdock: The straight one that you do when you go in?

Mr Hughes: —the same one we have now. There's a separate issue about the vision test and whether it should be changed, but it's really an ongoing research question as opposed to something that we're going to change as part of graduated licensing.

Ms Murdock: One of the suggestions, which I personally thought was a really good one, because I drive from Sudbury to Toronto every week and back, and oftentimes do so at twilight or at night—actually, I prefer night driving. What I was told by every group that came before us is that it's the most dangerous time to drive; hence the reason it's not included in level 1. I understand that.

There was a suggestion that in level 1, for the first eight months, on the presumption that you haven't taken a driver's ed course, you would drive daylight hours only; for the last four months or whatever time frame, you would drive sunset to midnight; and then only in level 2 would you drive 12 to 5, for the first period of time with an accompanying driver. I was wondering if you had given any thought to that graduation rather than cold turkey.

Mr Hughes: There are a couple of points to be made around the dusk-to-dawn restriction, which has been suggested as part of the hearings and previously.

First of all, in some parts of Ontario it would be very difficult to do any practice driving at certain times of the year under those conditions. Given the length of daylight and people being at school or at work, there wouldn't be many daylight hours for them to practice.

The second thing again is this whole question of where on the spectrum do you want to fall. The midnight to 5 period is statistically the worst, and that's why we've zeroed in on that. Sure, if you go earlier than midnight or later than 5 you capture a longer period of time and statistically, perhaps, a little more dangerous time than daylight hours. Again, it's a question of degree and practice and training and what's a reasonable requirement. That's why we settled on midnight to 5.

Ms Murdock: Lastly, to Ms Clifford, one of the groups that came before us was the bicycle association.

They brought up the whole concept of ensuring that in the tests we're going to be aware of the bicycles and people who ride bicycles on the roadways. I was wondering if you had looked at that as a possibility to be included.

Ms Linda Clifford: Certainly in the second-level test there will be questions on the knowledge component dealing with road sharing, so not just bicyclists but pedestrians as well and large vehicles such as trucks and buses. In the actual road test portion it's something that the examiner will be looking for, but we can't always guarantee there will be a bicycle in the path or alongside the driver when we're testing. It also is there in some of our earlier testing as well in terms of our knowledge tests.

Ms Murdock: The other suggestion was that level 1 tests should be more comprehensive. I personally think they should be too.

1620

Ms Clifford: I believe what will result when the level 2 test is finalized is that we will have a modular type of test which will allow us at the ministry, if we choose, to slide some of the modules down to our level 1. Right at the moment, our main objective is to deal with level 2. If all the modules are needed at level 2, next year or two years from now we'll tackle level 1. But there is a possibility that there will be some changes to level 1 as a result of this research.

Mr Hans Daigeler (Nepean): Mr Chairman, I don't have any questions to the ministry officials; I have a question to yourself. This is a rather unusual committee.

Mr Paul Klopp (Huron): Speak for yourself.

Mr Daigeler: It was certainly unusual in the sense that I think it was very fruitful and very interesting and, I think, overall not partisan. But it was also unusual in the sense that we weren't looking at any legislation; we were just looking at proposed legislation. So my question really is, what is the plan for the committee now? What is the next step? Normally, the committee at this stage would look at the report of the researcher, contact the researcher to prepare something and then perhaps bring in the ministry officials again for some reaction or questions. Frankly, at this point I'm less interested in the views of the ministry than in the views of the committee.

The Chair: Absolutely. The reason for the ministry's appearance today was to answer some unanswered questions that were left over after the last session of public hearings and to clarify some issues that were also outstanding. After today, I fully expect that the committee will look at the summary of recommendations as prepared by research, and also as prepared by the Ministry of Transportation, and prepare a report along with those recommendations. That's how I would expect that process to flow and that the preparing of that report

and recommendations would start on Wednesday.

Mr Daigeler: That's fine.

Mr Turnbull: You referred to a logbook, but that would be on a voluntary basis. Do you think there's going to be any compliance with that?

Mr Hughes: I think that for those who are well-intentioned and have an accompanying driver or an instructor who is serious about trying to turn out a reasonably competent and safe driver it will serve as a guideline. For example, for a parent who can't afford the \$500 in the Toronto area for driver education and wants to give it a try on their own to teach their child to drive it will be a lot better than what we provide now, which basically is very little in terms of how do you bring that person along.

Mr Turnbull: Would it be reasonable to mandate that anybody who wants to get out of level 1 in eight months must maintain the logbook and get the driving instructor to sign off on it?

Mr Hughes: I think you would have difficulty getting the driver instructor to validate any more than the number of hours that the driver instructor was in the car. You're just going to get into a situation where, if you're really serious about wanting to require some kind of minimum, it will be treated as a joke by people who don't want to do it and don't do it, but they will manufacture their own logbook. I just don't think it really has any teeth or any meaning.

Mr Turnbull: Have we determined now as to whether there will be a minimum amount of hours of driver education to allow somebody to exit at eight months?

Mr Hughes: Driver education does have a minimum standard number of hours behind the wheel now. The curriculum that we okay has a minimum number of hours.

Mr Turnbull: So nobody can go into driver education and then step out of it a week later—

Mr Hughes: A driving school can't be accredited, as I understand it, unless its course includes the minimum prescribed number of hours. Paul or Bob may want to add to that.

Mr Paul Levine: The driver education course that is accredited now includes 25 hours of classroom instruction and a minimum of 10 hours of practical behind-the-wheel driving for the new driver.

Mr Turnbull: And we require some sort of certificate to prove that they can get out after eight months?

Mr Levine: Yes.

Mr Hughes: Let me get back on that one. We feel that once graduated licensing is in place, there will be two reasons for people to want to get accredited driver education: One will be to get the reduction of four months in level 1, the minimum time period; the other

will be to get the insurance discount. We didn't want to get into a situation where some courses would be accredited for one purpose and some for another. So we have a small committee of the ministry, the insurance industry and the driver education industry working, and we're coming up with one set of accreditation standards so that persons can be confident that if they take an accredited course, they will get the benefit of both the reduced insurance premium as well as the reduction in the minimum time period.

Mr Turnbull: Turning to the 400 series restriction in level 1, we heard quite a few people suggesting that there are some areas of the province where, while theoretically there is an alternative road, there isn't really a viable route. Have you turned your attention to that and given it any further thought?

Mr Hughes: Yes. I think, maybe just to clarify that one, the 400 series, by definition, always have an alternative route. The alternative route may be a little more time-consuming and inconvenient, but if it's just a question of needing to get from A to B in a certain period of time, then the accompanying driver can always drive the 400 route. If it's a question of getting practice and experience, that's when we want the learner drivers to get that practice and experience on the alternative route before they venture on to the 400 series.

Mr Len Wood (Cochrane North): Just briefly, a follow-up on David's question. I'm 16 years old. At what point in my learning and going through the process of getting a driver's licence would I be able to have complete control over being able to drive on express-lane highways or 400 series highways?

Mr Hughes: Under this proposal?

Mr Wood: Yes, under this proposal.

Mr Hughes: Sixteen years and eight months, assuming that you put in the eight months at level 1 and passed the driver's test after eight months.

Mr Wood: And after 12 months if there was no driver education.

Mr Hughes: That's right; after 12 months without driver education.

Mr Wood: But he'd still have to be chaperoned in some way?

Mr Hughes: No. Level 2 is unchaperoned.

Mr Gary Wilson (Kingston and The Islands): Just to zero in on one aspect of that which concerns me: If the person doesn't go through driver ed, he or she has to keep at level 1 for the 12-month period. Is that right?

Mr Hughes: Yes.

Mr Gary Wilson: So then they have to keep off the 400 series roads under that arrangement as well.

Mr Hughes: Yes.

Mr Gary Wilson: That means when they go into

level 2, they get to drive unsupervised and can go on 400 series roads. So my concern is that they actually are going on 400 series without any experienced driver necessarily. They might happen to have, but they don't have to have an experienced driver.

Mr Hughes: That's right. Under the current system—

Mr Gary Wilson: No, but I'm just thinking that's not an improvement when the 400 series—

Mr Hughes: The improvement is that they've had 12 months of driving experience before they venture on to the 400 series highways. Under the current system, without driver education you can venture on to 400 series the first day you get your driver's licence.

Mr Gary Wilson: But I guess what I'm concerned about is that we've highlighted the fact that the 400 series is definitely different from the others because we have this arrangement. But that means that they'll be driving on the 400 with some experience, perhaps, but not on the 400 series. To put it more specifically, it would seem to me the ideal would be to have an experienced driver with you when you're on the 400 series because it is that much different.

Mr Hughes: That's what we're trying to encourage, although we're not imposing it. We're trying to encourage that because we know that many of the driver education courses include a little bit of instruction on freeway driving even now. We're assuming that if this proposal goes into place, all of the driver education community will include that in its course of instruction.

We also feel, I think, that there will be probably a variation of driver education developed for people at level 2 who wish to take perhaps a few of the more advanced things around the advanced driver's test. So that remains to be seen. We're just anticipating that the driving school industry will recognize the business opportunity there and start to market something.

1630

Mr Gary Wilson: But still in your mind there's a serious enough difference between the 400 series and other roads to make sure that—

Mr Hughes: The reason we identified the 400 series highways is simply, first of all, that one in six learner drivers have collisions in the first year of driving. We recognize that on the 400 series highways, with the speeds involved, the potential consequences of a collision on the 400 series of highways are a lot more severe than under the more restricted conditions that level 1 imposes.

Mr Gary Wilson: Are there more collisions on the 400 series for novice drivers?

Mr Hughes: Statistically on a per-kilometre-driven basis for the whole the driving population, no. In terms of collisions per kilometres driven, there are fewer accidents, but again, the consequences: There are more

serious injuries and more fatalities as a result of collisions on the 400 series.

Mr Gary Wilson: Yes. I understand that, but I guess again it comes back to them making sure that drivers on the 400 series are as accomplished as possible.

Mr Hughes: Yes. But what we don't know and can't know under our current data availability is that—we believe there aren't a lot of learner drivers on the 400 series of highways. That could be simply a reflection that it's more experienced drivers who are on the 400 series, by and large, but there's no way of knowing that statistically.

Mr Klopp: I'm just going to get your feeling. I know we touched on curfew before, but one of the things I heard in the hearings was that people were wondering how come in level 2 there are no more curfews. If I go on the premise that a lot of the accidents are happening after 12 o'clock and you're young and wild—and we're talking mainly of the young and wild people here—or young people. We can be wild when we're old; I've done that a couple of times.

I really wonder what the premise would be. I really think the idea is good to have a curfew, keep the curfew restriction on level 2 from 12 to 5, with the proviso that you can get a work permit. I think most people going back and forth to work, even if they work at a hotel, which I did—you really don't have time to have that many beers before you leave at 2:30 in the morning. In fact, you're probably ready just to go home.

I also think that if we're looking at the 16-year-olds, the 17 and 18 group here especially, the peer pressure is a problem. I think one person even came out and said that the government would take the peer pressure off by saying it's the government's fault that I can't—"I've got to have the car home by midnight"—for one more year.

Mr Hughes: From a safety point of view, absolutely. The reason there isn't a curfew and a few more restrictions in level 2 is a concession to the mobility side of the equation, the need for mobility, the need to be able to hold part-time jobs or attend school functions or whatever.

If there's a wish to toughen up level 2 with a curfew—and I did testify the first day of the hearings that I did feel personally that level 2 was a little too soft and I would like to see more incentive for people to want to get out of level 2 by taking the advanced test—it could be toughened up a bit. I certainly see that, if there's a desire to have the curfew, even though we're a little leery about exemptions and exemption procedures because they can be abused, that might be the place for an exemption procedure. But certainly not in level 1; I wouldn't want to see any exemptions. I don't think we would.

If you're going to recommend an exemption pro-

cedure, say for a curfew, it has to be administratively simple, because it can be a nightmare trying to administer something like that. One successful way of doing it—and they do this in New York state, where they have a curfew on certain age drivers—is that the onus is on the learner drivers to carry paper which attests to the fact that they have a job or school business or something that requires them to be driving after midnight, or whatever the hours of the curfew are in New York state. Administratively, we would want to see that the onus is on the driver and not on something to be registered with the ministry, because you're talking about an administrative nightmare.

Mr Klopp: That, I guess, ties in with—and I understand that. That's what we always talk about: The more lines you have in it, the harder it is to sell, and also to cost for working.

It was just whispered in my ear that if somebody has a piece of paper, I could be your buddy and sign it. I think in a way, when a police officer does stop you, though, if you're drunk, it doesn't matter if you have a signature from your priest that you're doing work at church; you have another problem on your hands. But if you're sober and you pull out a piece of paper, albeit it's as fraudulent as heck, she's signed it. But the police officer, without—"Okay, you're sober and you have this thing that says you work somewhere. You go on your way." But if you don't have any piece of paper, the officer says, "You're not supposed to be out after 12 o'clock," and quite clearly that is the case here. That maybe leads into my second question.

Mr Hughes: If I can just say one thing, we're certainly agreed on what you're saying, but there are ways to at least try to minimize the potential for fraud. You can require something to be on original company letterhead, to be dated within the last six months, or something like that. There are criteria that could be applied to that.

Mr Klopp: To make it simple. I'm all for that. That goes back to the second part of the question with regard to the licence. We talked about having a thing in the back that says you're a student driver or a new driver. School's out for me, personally, and we'll talk about it over—I've mixed emotions. Somebody brought up about how you keep it that a police officer or a person of the law can very easily tell that you're a level 1 or a level 2, and then when you're permanently a full-time licence. I was wondering if there was any way that you could use it right in your licence itself. Everybody's is blue, I guess, right? Standard, this card here, blue or whatever? Could it maybe be the first one you get when you sign up is like an orange card, and the second one's a green card, and it very clearly—

Mr Hughes: My understanding is that we are developing a system that will do that. Bob, you may want to elaborate on that.

Mr Bob Domoney: The colours have been used in different jurisdictions to denote probationary or underage individuals. In our case, our expectation is simply that we'll put the licence class on the document. If you're a level G1, you're obviously an automobile driver in level 1, so you can tell by the licence class. We'll be making those changes.

Mr Klopp: You'll still buy all the same coloured paper but you'd have a little type in there.

Mr Domoney: Well, yes. The policeman will know from the document whether you're a level 1, level 2, motorcycle or automobile driver.

Mr Wood: Just briefly, I know Paul has talked about young drivers, and I get a little bit concerned not so much where young drivers are concerned, but novice drivers, first time for one reason or other. Perhaps a woman has a serious illness in the family and has to take over more responsibility and needs a driver's licence. I think we heard presentations during the committee that a larger percentage of people are not necessarily young drivers; they're novice drivers who, after they've finished their college or university education, have decided: "I couldn't afford a car before. I wasn't even worried about having it. Now I need it." That's not a large group, but it is a certain percentage of people. I want to make sure that we're not putting any undue hardship on these people. For example, if a woman never had to have a driver's licence for any reason whatsoever and all of a sudden her husband had a stroke or something and she needed transportation to get around, we're saying that there is a certain period of time. I just want to throw that out to you. I know you probably don't have an answer for it.

The other comment I would make is that in some parts of the province, like where I come from in Kapuskasing, in order to get experience on four-lane highways or expressways you have to travel 350 miles either way before you're going to get any experience on four-lane highways. It could be three, four, five years or whatever after the person has their driver's licence before they can end up on those four-lanes, unless they're a novice driver and all of a sudden get a driver's licence as quickly as possible, which would be the eight months, and then can go on those particular highways.

It's just things I throw out: that 75% of the province is not necessarily the same as the other 25% that is heavily populated in the urban areas. There are different situations that exist. You can't change the rules, I guess: one rule for one part of the province and another for the other part of the province.

1640

Mr Hughes: On the question of older new drivers, I would just reiterate that one in six 40-year-old first-year drivers have accidents, collisions, just like one in six 16-year-olds. We expect that there's a slight softening of the statistics because of maturity and less propen-

sity to take risk, but it's still a very clear trend in new drivers of all ages; very clearly a higher collision rate in their first year or two of driving.

I don't have an answer. Certainly there's the potential that the restrictions applied through the graduated licensing system may tend to have more impact on an older new driver than a younger one, but we do know that we can't base anything on age—legal advice to that effect is pretty strong—nor would we want to in this case, I think. From a safety perspective, we're concerned about all new drivers, and I guess we just have to acknowledge that yes, there will be some short-term pain.

The other thing is that once graduated licensing is on the street, people may be aware that perhaps there is more need to have that driver's licence in their pocket instead of waiting until they actually have to have it; they may get it a little earlier. Also, by and large the population, particularly the female population, is starting to be licensed at an earlier age than, say, 10 years ago or 20 years ago. We expect that there will be fewer and fewer situations where one spouse, the surviving spouse, would all of a sudden have to get their driver's licence. Of course, there will still be situations like that.

Mr Wood: There's no doubt—I've been reading the press clippings that have been coming out—that 15 and 15½-year-olds and 16-year-olds are lining up very quickly to get in under the wire before next spring or next summer.

Mr Hughes: There are two in my house.

Mr Wood: I know one person made the comment, "My 14-year-old daughter is not very happy with you, but I'm pleased that you're making those decisions to move ahead."

Mr Hughes: I'm not real popular at home either.

Mr Turnbull: In terms of that question that came up about people going over the border to Quebec and getting their licence, have you addressed yourselves to the issue of how you can stop that?

Mr Hughes: I don't think we have a solution to that. I think we recognize that it will happen in some cases and that there isn't a whole lot we can do to control it, other than recognizing a reciprocal licence. In terms of graduated, we'll still require two years' experience to be able to get full licence privilege in Ontario, but of course, for a short term a person could simply live in Ottawa and get a licence in Quebec and drive on that.

Mr Turnbull: I would like to suggest that one possible deterrent might be that anybody who has an accident in Ontario and is driving on a Quebec licence will get health care out of the Quebec purse. I don't think we should pay anything out of OHIP if they're driving on a Quebec licence. I realize it's not your ministry—

Mr Hughes: You're starting to get into areas that

I'm not very expert in.

Mr Turnbull: I think that kind of crossover would provide a deterrent.

Mr Klopp: If I may come in, isn't it illegal for someone to be in the wrong address? I know I moved from RR 2 to RR 3; it's right across the road, but I had to go—

Mr Hughes: It's clearly illegal if you're a resident of Ontario, but you could have a relative in Hull say you live there; there are ways to get around it. I'm not sure of the insurance ramifications of that either; I'm not sure whether your insurance is valid if you do that.

Mr Turnbull: That's one way for sure: You cannot say, "I'm a resident of Quebec for my licensing purposes, yet I'm a resident of Ontario for medicare purposes."

Mr Wood: What about Manitoba?

Mr Turnbull: The same holds true. Perhaps that is something you might want to, ministry to ministry, talk about.

Mr Hughes: We'll try to follow up on that and see what we can find out fairly quickly. It's just that there will several ministries involved from the insurance and health angle.

Aslo, we hope that with Ontario showing leadership in this area, the rest of the jurisdictions will follow. We know a couple of the others are indeed looking at graduated right now, including Manitoba, and we hope that maybe five years from now everybody will have graduated licensing.

Mr Turnbull: I think Bob had something he wanted to mention.

Mr Domoney: Clearly, as John mentioned, it's illegal for a resident of Ontario to apply and obtain a Quebec licence. The dilemma we face is that there's no real definition of residency. The practice we've used as a rule of thumb is, where do you live most? Some people live part of the time down in Florida, part of the time, say, in Toronto and they might have a cottage up north where they spend the summer, so where is your residence?

Mr Turnbull: Presumably, my definition would be reasonable: if they are going to that administration for health care benefits. Much in the same way as the seniors are squawking about the changes that have been made to Ontario legislation in terms of what will be covered down in Florida, if somebody is driving on a licence from another administration, then that should be—

Mr Domoney: If it was determined that that licence was illegal, I think I recall the insurance industry saying that if they're not licensed their insurance doesn't apply; their liability does, but not their collision.

Mr Turnbull: I think there's an important educa-

tional process you've got to go through so that people don't try that loophole.

Mr Gary Wilson: I'd like to return to that question of driver instruction. I think you raised it earlier, in passing; I'd just like you to elaborate on that. The idea was, is it a good idea for everyone to have some form of driver instruction?

Mr Hughes: Are you talking about driver education? Formal driver training and education?

Mr Gary Wilson: Driver education, exactly; a course.

Mr Hughes: There was a lot of lobbying for mandatory driver education at the hearings. We have not in the past, and do not with this proposal, support mandatory driver education. It's a complicated business.

Just a couple of facts that may be of interest to the committee members: Driver education as a road safety initiative is very difficult to prove; it's very difficult to prove that it has a significant safety benefit. That doesn't mean we don't think it's a good idea and that it doesn't work. It's just difficult to prove.

The Americans, some time ago, spent \$12 million on a study trying to evaluate and authenticate the safety value of road safety education, and they couldn't prove it one way or the other. What limited supporting evidence there is shows that it achieves its best results when it's undertaken voluntarily; in other words, you get people there who want to be there and learn and listen and do accordingly. That's one thing.

The second thing is that the province of Quebec, a few years back, introduced mandatory driver education and a couple of years later withdrew the requirement for mandatory driver education because it couldn't prove it. We don't think there's any point in trying to prove it one way or the other in Ontario, if the Americans spent \$12 million and couldn't prove it and if Quebec couldn't prove it worked.

What we're saying is, let's encourage it through the incentive, through the insurance discount. The fact is that almost two thirds of the people who get their licence now do take formal driver education and training, so it's not a great leap to assume that with the extra incentive of the four-month credit graduated licensing provides, that two thirds will probably go higher. That means that the small proportion of new drivers who don't take driver education will probably be, for the most part, those people who either can't afford it or where it's very difficult for them, in a remote part of the province, to have access to it.

1650

Mr Gary Wilson: The only thing I can think of that might affect that would be the standards of the schools. What do you think of the standards? Are they adequate?

Mr Hughes: I think it's an industry like any other industry. There are good people and bad people, and it's

a consumer issue to try to find the good people if you're the consumer. We do have processes and systems in place to try to ensure that there are minimum standards, but driver training is a very personalized thing. There are good teachers and bad teachers. I guess the industry as a general rule is trying to improve the standards, but as I say, it's like anything else: You have to be a good consumer.

Ms Murdock: I was very impressed with the Ontario coroner's presentation and quite intrigued with the statistics he came forward with, not only for the 15-to-19-year-olds but for the 20-to-24; taking into consideration that one only covers, as Bob pointed out, a three-year period of drivers and the other a six-year period of drivers, so the stats shouldn't be skewed out of whack for that.

But the thing that really struck me in his presentation and then is also in *New to the Road: Young Drivers and Novice Drivers*, by the Traffic Injury Research Foundation of Canada, is that the number of passengers who were injured or killed in crashes was almost equal to and in some cases greater than the number of drivers who were injured or killed in crashes. We were told not to use the word "accidents," because they aren't.

Obviously, I would say he would have a fairly strong view of the world and have some credibility in the field. In terms of his recommendation that there be no passengers in the vehicle at all during level 1 except for the accompanying driver, I'm wondering how the ministry feels about that from a policy point of view.

Mr Hughes: One of our earliest generations of models for graduated licensing had a restriction on passengers which was something along the line that you were allowed one passenger plus family members.

The ideal scenario for level 1 is that this person comes in, gets his level 1 learner's permit and signs up for driver training; the individual or the individual's parents recognize that 10 hours behind the wheel of driver training is not sufficient and that it should be supplemented with practice and experience. Limiting the number of passengers to zero means that on normal family outings you are removing the opportunity to get practice and experience under those controlled conditions. If you make it so onerous that it's very difficult for the person to get behind the wheel and get practice and experience, then you're defeating the purpose of level 1.

Ms Murdock: I appreciate that, particularly in relation to the family aspect. But you could almost envision it when the coroner was explaining about how you turn the radio, crank it up, and you're throwing popcorn from the back seat to the front seat and you're checking out the girls walking down the main drag or whatever. You could almost see it happening in terms of hitting the telephone pole next. But I appreciate your comments and I'll keep them in mind.

The second thing is that we were handed this exhibit. You probably addressed this in the second week; unfortunately, I was substituted on another committee so I was unable to continue with graduated licences. I was disappointed. You may have already addressed this, and if you have I apologize in advance.

Graduated licences will be amendments to a number of acts but specifically to the HTA, right?

Mr Hughes: Is there anything other than the HTA involved?

Ms Murdock: Well, regulations.

Mr Domoney: There will only be amendment to the Highway Traffic Act, plus regulations under the Highway Traffic Act. We don't intend to amend other acts at this time. I did provide the clerk with a copy of the housekeeping items; you'll notice it's all HTA and HTA regs.

Ms Murdock: Right; sorry. We also got a letter handed to us from people in regard to senior drivers. I don't know if you have a copy of that letter.

Mr Domoney: I have it in front of me.

Ms Murdock: It would require an amendment to the HTA as well, if you were going to put a restriction, or a requirement to test—well, not over 55, but certainly under 80.

Mr Domoney: The current regulation covers testing of seniors, so it wouldn't be an amendment to the Highway Traffic Act necessarily. It could be an amendment to the regulation, depending of course—assuming you have authority under the act today, you get into a question of the Human Rights Code. Back in 1981, when the Human Rights Code came into force, we had to put "notwithstanding" clauses into the act, so we'd have to check to see whether an amendment to the act is required.

Ms Murdock: But it could be amended by regulation, without even having to go to the act?

Mr Domoney: What's in the regulation could come out. Adding to it might be more difficult.

Ms Murdock: Changing it?

Mr Domoney: The current regulation allows us to test seniors over 80 annually. We could easily amend that by taking it out without amending the Highway Traffic Act. If we wanted to put something else in like—

Ms Murdock: Like 70?

Mr Domoney: Then it would be a "notwithstanding" clause, I believe.

Mr Hughes: The bottom line is that if we're going to change the way we treat senior drivers and deal with them, we have to make some kind of change, either legislative or regulatory.

Ms Murdock: The problem I have is that within my own riding I see people of differing ages—I can think

of within my own family—who really should not be on the road. There's nothing you can get in terms of a doctor's certificate saying they've had a seizure or anything that could get them off the road, if you get my meaning, yet they should be tested on a regular basis. I'm not saying they can't drive; just that they should be tested more frequently.

Mr Hughes: The whole policy question of senior drivers and how we deal with them is under some review within the ministry. It's not that we aren't aware that senior drivers are overrepresented on a per-kilometre-driven basis—and they are—but the fact is that they don't drive very much statistically and the sheer number of accidents or collisions and injuries in those age groups is smaller than you would expect. But on a per-kilometre-driven basis, yes, they are more susceptible to collisions and also, because of age, more susceptible to injury and death as result of those collisions. It's something we're concerned with and something we are looking at, but we haven't treated it as part of the graduated licensing proposal. We're treating it as an independent issue.

Ms Murdock: I don't have any other questions. Thank you very much.

Mr Klopp: Just to tie in with our colleague Mr Turnbull on the Quebec and Manitoba borders: I realize one of our colleagues in the House brought it up, and I respect that we bring up every issue; I'm just wondering how big an issue it is. I don't come from a border town, though; I'll have to qualify that. I just wanted to make sure we're going to get clarification on what our legal status is on the whole issue of someone going across a border and make sure we have the right information for us to deal with. I guess that's what Mr Turnbull was asking you to do, and I just wanted to make sure that's what we're after.

Mr Hughes: When do you meet next? We'll try to get you something written.

Ms Murdock: Wednesday.

Mr Hughes: This Wednesday? We'll see what we can find out in two days.

Mr Klopp: My colleague brought up the young drivers all in a car and trying to keep so many out. I still think a lot of it goes back to the curfew. When you get four people in a car all coming home from work or, if they have to be home by midnight but it's after midnight because they were letting loose a little more than they should have, then they get in a very serious accident. I think that goes back to the policy of curfew, not how many people are in the car. That's just my gut feeling anyway.

Mr Hughes: When we first started working on the policy, certainly we were aware of the crazy overrepresentation in all the statistics of new drivers, particularly young new drivers. When we analyse it at

the next level of detail, we find that midnight to 5, alcohol involvement, and a larger number of passengers, multi-passenger collisions, those three factors, seem to be more present than the norm in terms of new driver accidents. That's why we've focused in on those three things with our restrictions. There are other things as well, but those are the big three in terms of the contributing factors.

The Chair: Thank you very much. Further questions, Mr Turnbull? I would assume Mr Daigeler has no further questions either.

Thank you very much, Mr Hughes, and thank you to your colleagues for joining us again today. You've been very helpful during the whole hearing process and everybody that the ministry has had assigned to these

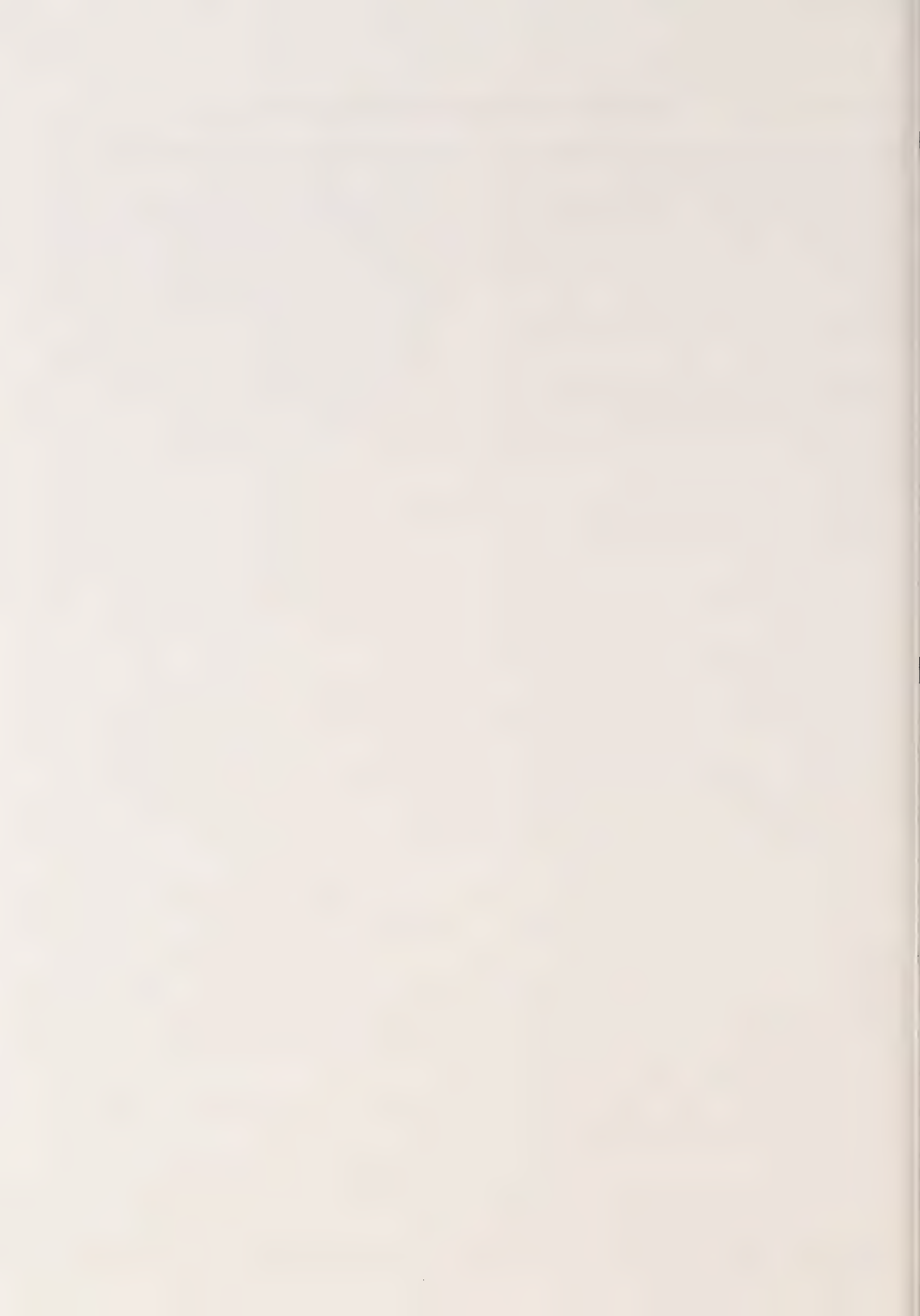
hearings has been quite helpful. Pass the word on to those who need to know.

There is a document being distributed that is the ministry's summary of the issues raised at the graduated licence hearings. I would ask members to accept that and combine that with the summary that is being done by Mr McNaught. We will use those two documents as the basis to start our discussion on Wednesday in terms of drafting a report, if that's acceptable to everybody.

Ms Murdock: On Wednesday we're going to—

The Chair: We're going to start drafting a report. We are adjourned until 3:30 Wednesday.

The committee adjourned at 1702.



CONTENTS

Monday 4 October 1993

Graduated licensing R-493

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- ***Chair / Président:** Huget, Bob (Sarnia ND)
- Vice-Chair / Vice-Président:** Cooper, Mike (Kitchener-Wilmot ND)
- Conway, Sean G. (Renfrew North/-Nord L)
- Fawcett, Joan M. (Northumberland L)
- Jordan, Leo (Lanark-Renfrew PC)
- *Klopp, Paul (Huron ND)
- *Murdock, Sharon (Sudbury ND)
- Offer, Steven (Mississauga North/-Nord L)
- *Turnbull, David (York Mills PC)
- Waters, Daniel (Muskoka-Georgian Bay/Muskoka-Baie-Georgienne ND)
- *Wilson, Gary (Kingston and The Islands/Kingston et Les Îles ND)
- *Wood, Len (Cochrane North/-Nord ND)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:

Martin, Tony (Sault Ste Marie ND) for Mr Cooper
Daigeler, Hans (Nepean L) for Mrs Fawcett

Also taking part / Autres participants et participantes:

Hope, Randy R. (Chatham-Kent ND)

Ministry of Transportation:

Clifford, Linda, manager, road safety research office
Hughes, John, director, safety policy branch
Levine, Paul, manager, road safety policy office
Domoney, manager, graduated licensing operations

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: McNaught, Andrew, research officer, Legislative Research Service

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